

ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 6, 2008

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Wroblewski, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Iannello.

Item 1 - CHAIR MARINELLI directed that the Rules of the Legislature for 2008 be tabled.

Item 2 - No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meeting 2 from 2008.
MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 - CHAIR MARINELLI presented a resolution In Recognition of Girl Scout Week (March 9 - 15, 2008).

Item 7 – CHAIR MARINELLI, MR. KOZUB, MR. MAZUR & MR. WROBLEWSKI presented a resolution Honoring John Mills, AM-POL Eagle Citizen of the Year in Business.

Item 8 – MR. REYNOLDS presented a resolution Honoring Hamburg High School Varsity Hockey Team on Winning the Super Sunday Southtowns Championship.

Item 9 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution In Memory of Carol Salter Glover.

Item 10 – MR. WROBLEWSKI presented a resolution Honoring Retired West Seneca Police Detective Lt. John Urbanski.

Item 11 – MR. REYNOLDS presented a resolution Honoring Mary Weiser Upon Receiving the Citizen of the Year Award for Apprehending Two Burglars Who Have Been Terrorizing the Town of North Collins.

Item 12 – MS. IANNELLO, CHAIR MARINELLI, MS. KONST, MS. WHYTE, MS. GRANT & MS. MILLER-WILLIAMS presented a resolution Recognizing Women's History Month in Erie County.

Item 13 – MR. KENNEDY presented a resolution Honoring Richard J. Gehring Upon His Retirement After Serving 30 Years as President of Meals on Wheels of Western New York.

MS. WHYTE moved for consideration of the above eight items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eight items by including Et Al Sponsorship and adding one from MR. KENNEDY. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above nine items as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI directed that the Legislature enter into recess at 2:50 P.M.

CHAIR MARINELLI declared the Legislature reconvened at 4:20 P.M.

All Members Presents.

LOCAL LAWS

Item 14 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 18 - MR. MAZUR presented the following report, moved to separate item Number 4 and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

FEBRUARY 28, 2008

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-2 (2008)
KEN-TON MEALS ON WHEELS: Submission of Budget, Per 2008 Budget Accountability Act
(4-0)
 - b. COMM. 4M-5 (2008)
ECMCC: Minutes of Meeting Held on February 7, 2008
(4-0)
2. COMM. 3E-20 (2008)
COUNTY EXECUTIVE
WHEREAS, the Department has been awarded funding in the amount of \$24,693 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence under 200% of poverty only, and

WHEREAS, the funds must continue to be used for core or optional non-residential domestic violence services provided by an approved non-residential domestic violence program, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations, and

WHEREAS, as the funds must be awarded to an approved program/vendor and be expended by 6/30/08, and

WHEREAS, as the funds will sustain a partnership of non-residential domestic violence community providers upon loss of a federal grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to expanded the non-residential services to victims of domestic violence with Family Justice Center, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services, Fund 110, Department 120

| <u>ACCOUNT</u> | <u>DESCRIPTION</u> | <u>INCREASE</u> |
|----------------|-----------------------|-----------------|
| 516010 | Family Justice Center | \$24,693 |
| | Total Expenditures | <u>\$24,693</u> |
| 414000 | Federal Aid | <u>\$24,693</u> |
| | Total Revenues | <u>\$24,693</u> |

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.
(5-0)

3. COMM. 3E-21 (2008)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has been notified by New York State of the approval of a plan to provide Cost of Living Allowance (COLA) payments in the total amount of \$347,888 to contracted providers of preventive services, and

WHEREAS, funds for this COLA are provided in the 2007/2008 State budget, and

WHEREAS, a survey of Erie County providers of Mandated Preventive Services and Community Optional Preventive Services was conducted and compiled for consideration by New York State Office of Children and Family Services, and

WHEREAS, funds are to be used by providers in a manner consistent with the attestation received from the Chief Executive Officer of each provider agency, and

WHEREAS, these funds are restricted by New York State for the purpose of awarding this COLA, and

WHEREAS, there is no local share and no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services, Department 120, Fund 110

| <u>ACCOUNT</u> | <u>DESCRIPTION</u> | <u>INCREASE</u> |
|----------------|----------------------------------|------------------|
| 516010 | Community Agencies | <u>\$347,888</u> |
| | Total Expenditure | <u>\$347,888</u> |
| 407650 | State Aid Child Welfare Services | <u>\$347,888</u> |
| | Total Revenue | <u>\$347,888</u> |

and be it further

RESOLVED, that the State budget for the period April 1, 2008 through March 31, 2009 as well as future years will likely contain a similar provision for a restricted preventive services COLA, the Department is authorized to amend appropriate budget detail and contracts and to make future year payments to providers based on required survey, provider attestation and State approval, and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and/or agreements for this program, and be it further

RESOLVED, that payments for Year 1 Carry Forward and Year 2 New COLA are to be made to the following providers, calculated based on the amount of their contract amounts:

| | |
|---|--------|
| Baker Victory Services | 49,002 |
| Be A Friend Program | 2,774 |
| Belle Center | 1,662 |
| Dr. Bennett Smith - Family Life Center | 6,306 |
| Hispanics United of Buffalo | 5,243 |
| Buffalo Urban League | 50,813 |
| Catholic Charities | 93,107 |
| Child & Adolescent Treatment Services | 19,922 |
| Child & Family Services | 20,605 |
| Community Action Organization | 3,363 |
| Community Services to the Dev. Disabled | 5,465 |
| Gateway Longview | 23,970 |
| Joan A Male | 33,887 |
| Life Transitions Center | 3,531 |

| | |
|---|-------|
| Salvation Army | 9,153 |
| WNY United | 5,735 |
| YWCA of WNY | 2,463 |
| Every Person Influences Children (Epic) | 83 |
| International Institute | 997 |
| National Federation for Just Communities | 1,330 |
| Native American Community Services | 4,637 |
| Neighborhood Legal Services | 1,793 |
| United Way of Buffalo and Erie County | 2,048 |

and be it further

RESOLVED, due to the immediate need to make payments and submit claims for reimbursement to New York State, the requirement for Request for Proposals is waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
(4-0)

4. COMM. 3E-22 (2008)

COUNTY EXECUTIVE

WHEREAS, the Children with Special Needs Division is responsible for the administration and operation of the Early Intervention and Preschool programs; and

WHEREAS, the Early Intervention and Preschool programs are mandated under Chapter 428 of the New York State Law of 1992 and New York State Education Law, Article 89, Section 4410; and

WHEREAS, in order to maximize performance and effectively manage the two programs as they continue to evolve has presented the need to reorganize several staff positions in order to reflect an expansion of duties and responsibilities; and

WHEREAS, the Erie County Department of Personnel has reviewed the reorganization and recommended position changes which better reflect the current duties and responsibilities; and

WHEREAS, the necessary funds to cover the cost of the position changes are currently available within line 500000 of the 2008 operating budget; and

WHEREAS, the position changes will not only maximize performance they will also result in a gross savings in the amount of \$18,190 in the 2008 operating budget; and

WHEREAS, this reorganization will utilize existing staff through current civil service lists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one vacant full time position of Case Manager JG 7, position number 858, one vacant full time position of Senior Clerk Typist, JG 4, position number 1002636, and one vacant full time position of Clerk Typist, JG 1, position number 51004726, as indicated on B100# 3307, and the creation of one full time position of Sr. Case Manager, JG 9, Step 0, as indicated on B100# 3268 and one full time position of Chief Account Clerk, JG 7, Step 0, as indicated on B100# 3267; and be it further

RESOLVED, that the following personnel detail is hereby submitted:

| | |
|---|--------------------------------------|
| TITLE: Sr. Case Manager | FUNDING: 80% State 20% Local Funding |
| JG: 9 | CIVIL SERVICE: Yes |
| STEP: 0 | CIVIL SERVICE LIST: Promotional |
| ANNUAL SALARY: \$35,286 | FRINGE BENEFITS: \$14,520 |
| FISCAL IMPACT ON BUDGET FOR REMAINING PORTION OF FISCAL YEAR: \$35,286 | |

| | |
|---|--------------------------------------|
| TITLE: Chief Account Clerk | FUNDING: 80% State 20% Local Funding |
| JG: 7 | CIVIL SERVICE: Yes |
| STEP: 0 | CIVIL SERVICE LIST: Promotional |
| ANNUAL SALARY: \$ 30,587 | FRINGE BENEFITS: \$12,587 |
| FISCAL IMPACT ON BUDGET FOR REMAINING PORTION OF FISCAL YEAR: \$30,587 | |

and be it further

RESOLVED, that the following positions in the Children with Special Needs Division be deleted as indicated below:

| Number | Job Title | Job Group | Annual 2008 Budget Amount |
|-----------------------|---------------------|-----------|------------------------------|
| 1 | Case Manager | 7 | \$ 32,786 |
| 1 | Senior Clerk Typist | 4 | \$ 26,890 |
| 1 | Clerk Typist | 1 | \$ 24,387 |
| <u>TOTAL :</u> | | | <u>\$ 84,063</u> |

and be it further

RESOLVED, that the following positions are hereby created:

| Number | Job Title | Job Group | Annual 2008 Budget Amount |
|-----------------------|------------------------|-----------|------------------------------|
| 1 | Senior Case Manager | 9 | \$ 35,286 |
| 1 | Chief Account Clerk | 7 | \$ 30,587 |
| <u>TOTAL :</u> | | | <u>\$ 65,873</u> |

This will result in a total savings of \$18,190 in 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
(4-0)

5. COMM. 3E-24 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 10/1/07 to 9/30/08 in the amount of \$9,060; and

WHEREAS, each beach will be tested by the Erie County Department of Health once a week throughout the bathing season; and

WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for *E.coli* bacteria using EPA methodologies (EPA/821/R-97/004); and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards; and

WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official; and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

BEACH WATER QUALITY MONITORING PROGRAM
10/1/07 – 9/30/08

| SAP ACCOUNT | REVENUE | BUDGET |
|--------------------|----------------------------|----------------|
| 409000 | State Aid | <u>\$9,060</u> |
| | TOTAL | <u>\$9,060</u> |
| EXPENSES | | |
| 501000 | Overtime | \$1,750 |
| 505000 | Office Supplies | 500 |
| 516020 | Prof. Svc. Contract & Fees | 2,392 |
| 912730 | ID Health Lab Services | <u>4,418</u> |
| | TOTAL | <u>\$9,060</u> |

PUBLIC HEALTH LAB DIVISION

Increase Account 505800 Medical Supplies \$4,418
Decrease Account 912730 ID Health Lab Services (\$4,418)

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
(4-0)

6. COMM. 3E-28 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Brenda Ward to the position of Commissioner of Senior Services.
(4-0)

7. COMM. 3E-29 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Philip R. Endress to the position of Commissioner of Mental Health.
(4-0)

8. COMM. 3E-36 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for professional and consulting services for the Long Term Care Point of Entry Program (POE, also called Erie County NY Connects), an initiative administered by the Departments of Senior Services and Social Services, for the period January 1, 2008 through December 31, 2008; and

WHEREAS, the Department of Senior Services has conducted a competitive process to solicit consultant services to assist the Long Term Care Council of Erie County NY Connects with

the development of a strategic plan to accomplish its required review and direction-setting process (see attached Selection Process); and

WHEREAS, the competitive process resulted in the selection of Kenneth A. Rogers to provide consulting services to assist the Long Term Care Council of Erie County NY Connects to perform its required duty to analyze the long term care system in Erie County; and

WHEREAS, sufficient funds are already appropriated under Professional Fees and Services, in the Long Term Care POE cost center 1632080.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with Kenneth A. Rogers for the period March 1, 2008 to September 30, 2008, at an amount not to exceed \$15,225; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the County Attorney's Office, the Comptroller's Office, and the Departments of Senior Services and Social Services.
(4-0)

9. INTRO 4-2 (2008) **AS AMENDED**
KONST, MARINELLI, KENNEDY, MILLER-WILLIAMS, RANZENHOFER,
GRANT, MAZUR, IANNELLO, LOUGHRAN AND RATH

WHEREAS, Individuals who are receiving Medicaid or Supplemental Security Income payments and are residents in a skilled nursing facilities receive a personal needs allowance; and

WHEREAS, Supplemental Security Income is a federal program, the personal needs allowance comes from state funds; and

WHEREAS, Many of these individuals are senior citizens who depend solely on social security and Supplemental Security Income or another form of assistance; and

WHEREAS, All of these individuals are on fixed incomes that depend on this allowance to pay for everything from their clothing, toiletries and hair care to the few luxuries they can allow themselves such as telephone services, newspaper or cable television service; and

WHEREAS, Since 1981 the personal needs allowance is \$50 dollars per month; and

WHEREAS, None of the Supplemental Security Income cost of living adjustment for the past 19 years has applied to the personal need allowance; and

WHEREAS, While Nursing homes have received increased funds for the services they provide to their residents, the residents have not received any adjustment in money available to them in 19 years; and

WHEREAS, the real dollar value of the allowance that these residents receive has dramatically decreased over the years; and

WHEREAS, Assembly Bill A08887 would increase the monthly personal needs allowance for residents of residential health care facilities receiving or eligible to receive SSI payment and or additional state payment by 5 dollars per year over a five year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon New York State Majority Leader Joseph Bruno, Speaker of the House Senate Sheldon Silver, Chair of the Senate Finance Committee Owen Johnson, Chair of Way and Means Herman Farrell Jr. and Governor Spitzer to amend the 2008 -2009 State Budget to include an increase of the personal needs allowance for residents of residential health care facilities by five dollars each year for a five year period beginning April 1, 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the W.N.Y. State Legislative Delegation, Assembly Member RoAnn M. Destito - LOB 621 Albany, NY 12248, New York State Majority Leader Joseph Bruno- Room 909 Legislative Office Building Albany, NY 12247, Speaker of the House Senate Sheldon Silver- LOB 932 Albany, NY 12248 , Chair of the Senate Finance Committee Owen Johnson- Room 913 Legislative Office Building Albany, NY 12247 , Chair of Way and Means Herman Farrell Jr.- LOB 923 Albany, NY 12248 and Governor Spitzer.

(4-0)

10. COMM. 4E-9 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Nutrition Dining Program (III-C-1) grant for the period January 1, 2008 to December 31, 2008, and

WHEREAS, the Department has reviewed its service objectives and positions as a result of recent vacancies and retirements and desires to delete the full time Senior Clerk Stenographer position, job group 4, in the III-C-1 grant and create an Outreach Aide position, job group 6, in the III-C-1 grant, all effective 3/1/08, (B-100 no. 3580), and

WHEREAS, sufficient funds are available in the personnel and fringe benefit accounts to cover this change, grant reimbursement will be maximized and overall departmental cost and operational efficiencies will be enhanced, and

WHEREAS, the dietetic technician relocated and will not renew the contract for 2008, and

WHEREAS, the Department desires to contract with another registered dietetic technician to provide the nutrition education and counseling services as mandated by the New York State Office for the Aging during the period March 1, 2008 to December 31 2008, as a result of the standard selection process (see attached), and

WHEREAS, sufficient funds are already appropriated under Professional Fees and Services, account 516020, in the III-C-1 grant.

NOW, THEREFORE, BE IT

RESOLVED, that the full time Senior Clerk Stenographer position be deleted and an Outreach Aide position be added to the III-C-1 grant, effective 3/1/08, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with a registered dietetic technician for the period March 1, 2008 to December 31, 2008, at an amount not to exceed \$15,000, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget and Management; the County Attorney's Office; the Comptroller's Office; and the Departments of Personnel and Senior Services.

(4-0)

11. COMM. 4E-10 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE), Expanded In-Home Services for the Elderly Program (EISEP) and Health Insurance Information, Counseling and Assistance Program (HIICAP) grants for the period April 1, 2007 to March 31, 2008, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that additional HIICAP funds have been awarded, and

WHEREAS, the Department regularly compares grant budgets with actual costs throughout the grant period, and

WHEREAS, the Department has identified CSE and EISEP funds that will not be spent as originally appropriated due to retirements and charge backs to other short-term grants, and

WHEREAS, the Department, in conjunction with the Cluster agencies, has identified CSE funds that some of the Cluster agencies will be unable to use prior to March 31, 2008, and

WHEREAS, the Department and the Cluster agencies desire that these funds be used for direct services for seniors, and

WHEREAS, the Department desires to use the EISEP funds for home care services and the case management system, and

WHEREAS, the Department desires to use the CSE funds for transportation services for the elderly and have identified three existing vehicles in the going places system that have high mileage, high repairs, and which replacement thereof will assist in maintaining the existing transportation fleet in a workable and safe condition for seniors, and

WHEREAS, the CSE, EISEP and HIICAP grant budgets need to be revised, and

WHEREAS, additional local match is not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional HIICAP funds from New York State Office for Aging, and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0708, be revised as follows:

| | | CURRENT BUDGET | CHANGES | AMENDED BUDGET |
|----------------------|--|-------------------|------------|-------------------|
| APPROPRIATIONS | | | | |
| 500000 | Full Time - Salaries | \$226,569 | -\$27,000 | \$199,569 |
| 502000 | Fringe Benefits | 96,735 | -13,000 | 83,735 |
| 516010 | BFNC | 102,218 | -8,600 | 93,618 |
| 516010 | Community Concern of WNY | 55,912 | -750 | 55,162 |
| 516010 | Lt. Col. Matt Urban South Buffalo Community | 156,098 | -3,862 | 152,236 |
| 516010 | Services | 109,251 | -20,000 | 89,251 |
| 516010 | Schiller Park Community Services | 178,325 | -10,000 | 168,325 |
| 561440 | Motor Vehicles | 0 | 83,212 | 83,212 |
| TOTAL APPROPRIATIONS | | | <u>\$0</u> | |

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP0708, be revised as follows:

| | | CURRENT BUDGET | CHANGES | AMENDED BUDGET |
|----------------------|---|-------------------|------------|-------------------|
| APPROPRIATIONS | | | | |
| 500000 | Full Time-Salaries | \$491,697 | -\$64,000 | \$427,697 |
| 502000 | Fringe Benefits | 209,781 | -29,000 | 180,781 |
| 516020 | Home Care Services Personal Emergency Response | 1,966,780 | 80,000 | 2,046,780 |
| 516020 | Services | 90,000 | -7,000 | 83,000 |
| 516020 | Software Modification & Support | 95,000 | 20,000 | 115,000 |
| TOTAL APPROPRIATIONS | | | <u>\$0</u> | |

and be it further

RESOLVED, that the budget for the HIICAP grant, 163HIICAP0708, be revised as follows:

| | | CURRENT BUDGET | CHANGES | AMENDED BUDGET |
|--------------|-------------|-------------------|--------------|-------------------|
| REVENUES | | | | |
| Account | Description | | | |
| 414000 | Federal Aid | \$27,402 | \$500 | \$27,902 |
| TOTAL CHANGE | | | <u>\$500</u> | |

APPROPRIATIONS

| | | | | |
|--------|---------------|---------|---------------------|---------|
| 510000 | Local Mileage | \$1,000 | <u>\$500</u> | \$1,500 |
| | TOTAL CHANGE | | <u><u>\$500</u></u> | |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget and Management; the County Attorney's Office; the Comptroller's Office and the Department of Senior Services.
(4-0)

THOMAS J. MAZUR
CHAIR

MR. MAZUR moved to amend item Number 4. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Delete the final sentence in the second Resolved Clause, and replace with the following:

This will result in a net county savings of approximately \$3,600 and a total taxpayer savings of \$18,190.

MR. MAZUR moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

FEBRUARY 28, 2008

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

ALL ITEMS ARE HEREBY TABLED.

BETTY JEAN GRANT
CHAIR

Item 20 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

FEBRUARY 28, 2008

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WROBLEWSKI. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 8-4 (2007)
WHYTE: Support for Reform of Industrial Development Agencies
(5-0)
 - b. COMM. 11E-10 (2007)
COUNTY EXECUTIVE: DPW – Como Lake Park – Proposed Recreational Facilities Feasibility Study
(5-0)
 - c. INTRO 12-8 (2007)
KENNEDY: Request that the ECIDA Adopt the Framework for Regional Growth
(5-0)
 - d. INTRO 26-2 (2007)
WEINSTEIN: Support for a “One-Stop-Shop” Approach to Economic Development
(5-0)
 - e. INTRO 26-3 (2007)
WEINSTEIN: Support for a Regional Economic Development Strategy
(5-0)
 - f. COMM. 1M-17 (2008)
NYS DEPT. OF TRANSPORTATION: US Route – Section V – NY Route 39 to NY Route 17 – Erie & Cattaraugus Counties – PIN 5101.53
(5-0)
 - g. COMM. 3E-8 (2008)
MARINELLI: Letter to the County Executive Concerning Erie County Economic Development Policies
(5-0)

h. COMM. 3M-11 (2008)
NFTA: NFTA Board Minutes for Meeting Held 12/17/07
(5-0)

2. COMM. 18E-10 (2007)
COUNTY EXECUTIVE
WHEREAS, in 2002, the Erie County Department of Public Works awarded a General Energy Services contract to C.J. Brown Energy, and

WHEREAS, in May 2007, the Department of Public Works re-advertised a solicitation for this service, and

WHEREAS, after receiving RFQ responses, the selection team unanimously chose C.J. Brown Energy as the most qualified firm.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature authorizes the County Executive to execute a contract with C.J. Brown Energy for Energy Services with no dollar amount, as specific projects will be added by change order and separate resolution, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

3. COMM. 3E-18 (2008)
COUNTY EXECUTIVE
WHEREAS, your honorable body previously authorized a contract with CIR Electrical Construction Corp. on July 27, 2006 for the Dunn Tire Park – 2007 – Parking Lot Lighting Improvements Project; and

WHEREAS, your honorable body previously authorized a construction contingency at the time of award of construction contracts on July 27, 2006, the Department of Public Works is now asking for an increase in the construction contingency for the unforeseen extra work required to correct the problem of overloading of the existing circuits.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency account for the Dunn Tire Park – 2007 – Parking Lot Lighting Improvements work be increased by \$6,000.00 from \$5,100.00 to \$11,100.00 with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the construction contingency; and be it further

RESOLVED, that deduct change orders will be returned to the construction contingency account; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP project A.09019 – 2003 Dunn Tire Park Improvements in an amount not to exceed \$6,000.00; and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

4. COMM. 3E-19 (2008)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body previously authorized a contract with Abate Engineers on July 27, 2006 to provide Architectural/Engineering Services for the Remedial Structural Repairs Work at the Botanical Gardens; and

WHEREAS, in performing the remedial structural repairs to the Boiler Room ceiling support steel, an existing secondary steel beam had to be cut back to allow for installation with proper connections. Additional design was required for repairs due to uncovered existing steel deterioration and verification of weldability of the existing steel modifications to the original scope of work. The County requested Abate Engineers to investigate these conditions resulting in additional design work and construction administration fees.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Abate Engineering's contract for an amount not to exceed \$14,108.00 for additional design work and construction administration for the remedial structural repairs, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00291-Botanical Gardens Master Plan Reconstruction in an amount not to exceed \$14,108.00, and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

5. INTRO 4-5 (2008)

AS AMENDED

KONST, MARINELLI, KENNEDY, MILLER-WILLIAMS, IANNELLO & RATH

WHEREAS, local governments are responsible for an increasing proportion of the statewide highway, and bridge system; eighty five percent of the State's 110,000 miles of roadways, and fifty percent of the State's 18,000 bridges, and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, our schools, businesses, health and hospitals facilities, emergency responders, as well as the general traveling public, and

WHEREAS, the State's Consolidated Highway Improvements Program (CHIP's) funds are vital to county highway departments in order to maintain and upgrade important components of the local transportation system, and to purchase necessary highway equipment and materials, and

WHEREAS, the level of CHIP's funding in the current five year capital plan falls well short of what is needed to assist counties in addressing the ever-deteriorating conditions of local roads and bridges; while structural deficiencies in the State Dedicated Highway and Bridge Trust Fund (DHBTF) and expenditures for non-transportation infrastructure construction and maintenance purposes threaten the flow of capital funds to this vital local transportation funding program, and

WHEREAS, the Marchiselli Funding Program is the State's component of successful federal, state, and local partnership, delivering transportation improvements to federally-aidable local highway projects, and

WHEREAS, Marchiselli Funding has not been increased in the past 6 years and remains flat at \$40 million per year; this means some counties may not be able to take full advantage of the availability of federal funding, and many qualifying projects go unfunded, and

WHEREAS, the demands on the municipally-owned 9,000 bridges, too many of which are in aging and deteriorating condition, necessitate the establishment of a new funding commitment by the State to a local bridge and culvert program, and

WHEREAS, while the local system remains woefully under-funded, cost of maintenance, fuel, equipment and materials continue to increase and the local infrastructure continues to deteriorate, making it necessary to substantially increase CHIP's funding to meet today's and future needs and make up for the deleterious effects of inflation, and

WHEREAS, the Executive Budget Proposal holds CHIP's to the scheduled level-- a decrease of \$9.4 million from last year's appropriation -- and provides no increase in Marchiselli funding; and proposes a new State and Local Bridge Preservation Program, to be funded by a surcharge on motor vehicle insurance policies and bonded through the DHBTF.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature applauds the Governor's recognition of the construction and maintenance needs of local bridges, and supports additional reoccurring and dedicated revenues to fund bridge and highway projects as projects as a good first step in addressing the critical needs of the local transportation system as long as the financial mechanisms will insure the integrity and long term viability of the DHBTF, and be it further

RESOLVED, that the Erie County Legislature supports proposals to restore the fiscal integrity of the DHBTF by phasing out the responsibility of nearly \$750 million of non-capital expenditures which are unrelated to construction and repair of transportation infrastructure, and be it further

RESOLVED, the Erie County Legislature urges the Governor and the Legislature of the State of New York to support increases in local transportation programs, particularly for CHIPs and Marchiselli, to insure the safety of the local transportation system, so important to the state's

economy and the millions of citizens who rely on local roads every day to get them to and from their places of employment, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Governor, and the Western New York Delegation, and Marilyn Calhoun-Allen, Executive Director of Association of Erie County Governments.

(5-0)

6. COMM. 4E-8 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NYSDOT) is currently performing annual and bi-annual inspections of various County-owned Highway bridges; and

WHEREAS, as a result of these inspections Erie County has been , and may be cited with numerous red, yellow and safety flags which causes restrictions to the traveling public on various County roads and requires the County to respond to NYSDOT with a plan of action. (For Red flags the condition must be repaired or certified as safe within 6 weeks of the date of the flag. In the Case of PIA-prompt interim action flags- we have 48 hours to respond. Yellow and safety flags have a longer response time.); and

WHEREAS, the Department of Public Works – Division of Highways has determined that Clough, Harbour & Associates, a legislatively approved Term Agreement consultant (ref.: Comm. 8E-14 adopted May 3, 2007) has the appropriate experience in the design and construction inspection of repairs to bridges; and

WHEREAS, the Department of Public Works – Division of Highways has had a working relationship with Erie County Soil & Water Conservation District, who has the appropriate experience in the design, construction monitoring and bidding of stream stabilization work; and

WHEREAS, in order for the Department of Public Works – Division of Highways to urgently respond to these cited County bridge deficiencies, or similar problems on other bridges, with the necessary bridge design, repairs and construction work we are requesting approval to use the prices in the maintenance bid book or to bid the work out for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be allowed to execute a Change Order to Clough, Harbour & Associates' Term Agreement for an amount not to exceed \$132,000.00 for design and construction monitoring, with funds from the 2003 Preservation of Bridges, Dams, and Culverts (County-wide) Fund B.00061; and be it further

RESOLVED, that the Commissioner of Public Works – Division of Highways is authorized to enter into a project agreement with to Erie County Soil and Water Conservation District, in the amount of \$120,000 for the design and construction of repair to culverts and bridges that have scour problems which have been flagged or could lead to flags if repairs are not made, such as BR 503-3 Taylor Hollow Road over Clear Creek, BR 457-5 Zoar Valley Road over Coon Creek, and BR 30-3 Glenwood-East Concord Road over Sprague Brook and to assist Erie County Department of Public

Works – Division of Highways to repairs other bridges or roads with scour or erosion problems caused by action of various streams in Erie County; and be it further

RESOLVED, that the Commissioner of Public Works – Division of Highways is authorized to award contracts for bridge repair and construction through the Department of Purchasing, through the maintenance bid book; or through normal bidding procedures; and be it further

RESOLVED, that the cumulative award of bridge design, repair and construction contracts will not exceed \$775,044.97 from the 2003 Preservation of Bridges, Dams, and Culverts (County-wide) Fund B.00061; and be it further

RESOLVED, that the Erie County Legislature be provided with an information item, that includes a report of progress, vendors awarded, and contract amounts from the Department of Public Works – Division of Highways; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Department of Public Works, Division of Highways, the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Office of the County Attorney.
(5-0)

TIMOTHY M. KENNEDY
CHAIR

Item 21 - MR. KOZUB presented the following report, moved to separate item Number 1-B and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

FEBRUARY 28, 2008

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 22E-2 (2007)
COUNTY EXECUTIVE: Appropriation of Funds for Carvings for a Cause
(6-0)
 - b. COMM. 26E-16 (2007)
COUNTY EXECUTIVE: Authorization for County Executive to Negotiate and Enter into a Development and Funding Agreement for the Frank Lloyd Wright Rowing Boat House
(6-0)

- c. COMM. 2M-6 (2008)
NYS DEC: Appointments to the Region 9 Fish and Wildlife Management Board
(6-0)
- d. COMM. 3E-37 (2008)
COUNTY EXECUTIVE: Semi-Annual Attendance Records – Board of Managers –
EC Sewer Districts
(6-0)
- e. COMM. 3M-5 (2008)
ERIE COUNTY WATER AUTHORITY: Unaudited Comparative Financial Statements
for Years Ended 12/31/07 & 2006
(6-0)

2. COMM. 14E-35 (2007) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Route 391 Sanitary Sewer Extension Project, Contract 28E, at 2:00 P.M. on February 13, 2008.

| <u>Contract</u> | <u>Lowest Responsible Bidder</u> | <u>Amount Bid</u> |
|-----------------|--|-------------------|
| Contract 28E | Tom Greenauer Development, Inc. P.O. Box 250 Springbrook, New York 14140 | \$184,310.00 |

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Route 391 Sanitary Sewer Extension Project, Contract No. 28E, be awarded to Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140, in the not-to-exceed amount of \$184,310.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest, responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$184,310.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00066 for Contract 28E; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget and Management; Erie County

Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

3. COMM. 26E-5 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 37, to Accadia Site Contracting, Inc. for the installation of new sanitary sewers to provide service to existing homes; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 37, Didion Road and Brunck Road Sewer Extension, in the final contract amount of \$506,917.45, which includes change order No. 1 (final), a decrease of \$19,339.30 in the Erie County Sewer District No. 4 Bond Account C.00063 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 37, Didion Road and Brunck Road Sewer Extension between the County of Erie and Accadia Site Contracting, Inc., 5636 Transit Road, Depew, N.Y. 14043 is accepted in the amount of \$506,917.45, which includes Change Order No. 1 (final), a decrease of \$19,339.30 in the Erie County Sewer District No. 4 Bond Account C.00063 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 37, Didion Road and Brunck Road Sewer Extension, between the County of Erie and Accadia Site Contracting, Inc. in the amount of \$506,917.45 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(6-0)

4. INTRO 3-2 (2008)
MARINELLI

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointments to the Erie County Region 9 Fish and Wildlife Management Board; and

WHEREAS, the proper functioning of the Fish and Wildlife Management Board on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Environmental Conservation Law, the Fish and Wildlife Management Board shall consist of three members from each county within the region which has appointed its members, and in each county one member shall be a member of or represent

the county legislative body, one member shall represent the landowners of the county and one member shall represent the sportsmen of the county; and

WHEREAS, Alternate Board Members representing the county legislative body, the county landowners and sportsmen of the county shall also be appointed; and

WHEREAS, the current members representing the Erie County Legislature and county sportsmen cannot seek reappointment to terms on the board due to New York State Environmental Conservation Law (ECL) (11-0501(4a) which states that representatives to the board can only serve eight (8) years and then must take a one term break (two years) before again being reappointed; additionally, the board member representing county landowners has indicated a desire to retire from service to the board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Legislator Daniel M. Kozub (5172 Abbott Rd., Hamburg, N.Y. 14075) as the Legislative Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board for a term which will expire on December 31, 2009; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Kenneth Brown (6550 Vermont Hill Road, South Wales, N.Y. 14139), as the county Landowner Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board to complete a term that will expire on December 31, 2008; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Thomas Carrow (52 W. Bihrwood Drive, West Seneca, N.Y. 14224), as the county Sportsmen Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board for a term which will expire on December 31, 2009; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Legislator John J. Mills (80 Highland Ave., Orchard Park, N.Y. 14127) as the Alternate Legislative Board Member appointment; Mr. James H. Agle (7915 State Road, Eden, N.Y. 14057) as the county Alternate Landowner Board Member appointment; and Mr. Paul Soos (1845 Clinton Street, Buffalo, N.Y. 14206) as the Alternate Sportsmen Board Member appointment to the Erie County Region 9 Fish and Wildlife Management Board for terms which will expire on December 31, 2008; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Erie County Region 9 Fish and Wildlife Management Board (c/o Russell D. Biss, Natural Resources Supervisor, 182 E. Union, Suite #3, Allegany, N.Y. 14706-1328), Board Member appointees at the addresses listed in this resolution, and the office of Erie County Executive Chris Collins.

(6-0)

5. COMM. 3E-38 (2008)

COUNTY EXECUTIVE

WHEREAS, the Town of Clarence, on behalf of Town Sewer District No. 9, has requested sanitary sewer operations and maintenance service from Erie County on behalf of Erie County Sewer District No. 5; and

WHEREAS, the Department of Environment and Planning recommends the execution of the Agreement to provide the sanitary sewer services requested by the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute a sanitary sewer system operations and maintenance service agreement subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney, between Erie County on behalf of Erie County Sewer District No. 5 and the Town of Clarence on behalf of Clarence Town Sewer District No. 9, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, Gregory Dudek, Assistant County Attorney, and two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

6. COMM. 3E-39 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities and institutions to assist them in complying with environmental regulations; and

WHEREAS, the United States Environmental Protection Agency (USEPA) granted Erie County \$298,960 to establish the Erie County Clean School Bus Initiative Project; and

WHEREAS, as part of the Erie County Clean School Bus Initiative work plan and contract with the USEPA, it is necessary to enter into an agreement with Akron Central School District for \$2,600 to install 26 Crank Case Ventilation Filters; and

WHEREAS, as part of the Erie County Clean School Bus Initiative work plan and contract with the USEPA, it is necessary to enter into an agreement with Sweet Home Central School District for \$2,100 to install 15 Crank Case Ventilation Filters and 6 Diesel Oxidation Catalysts; and

WHEREAS, as part of the Erie County Clean School Bus Initiative work plan and contract with the USEPA, it is necessary to enter into an agreement with University at Buffalo Chapter of Engineers for a Sustainable World for \$2,000 to conduct air quality testing before and after retrofits; and

WHEREAS, Akron Central School District; Sweet Home Central School District and the University at Buffalo Chapter of Engineers for a Sustainable World will be required to work in accordance with a workplan approved by DEP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Akron Central School District for \$2,600 to install 26 Crank Case Ventilation Filters; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with Sweet Home Central School District for \$2,100 to install 15 Crank Case Ventilation Filters and 6 Diesel Oxidation Catalysts; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the University at Buffalo Chapter of Engineers for a Sustainable World for \$2,000 to conduct air quality testing before and after retrofits; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Holly A. Sinnott, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

7. COMM. 3E-40 (2008)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual grant and program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2008 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2008 Action Plan dollar amounts as indicated.

1. Erie County Consortium Community Development Block Grant Program: \$3,238,029
2. Emergency Shelter Grant Program: \$127,877
3. HOME Investment Partnership Program: \$1,085,667
4. Town of Hamburg Community Development Block Grant Program: \$467,122

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, non-profit, and for-profit agencies, necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the grant from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County

Community Development Block Grant Consortium and the Erie County Legislature; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

(6-0)

8. COMM. 3E-41 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the Erie County Department of Environment and Planning provides support to solid waste management planning units, including the City of Buffalo, to assist them in meeting their mandated New York State Solid Waste Management Plans; and

WHEREAS, on March 1, 2007, the County Executive was authorized by Legislative resolution (Comm. 4E-9) to apply for and to enter into the necessary agreement to accept grant funding for the Erie County Recycling/Education for the City of Buffalo Program; and

WHEREAS the NYSDEC awarded Erie County a three-year grant beginning January 1, 2007, for \$179,677 to implement a municipal waste reduction and recycling program for the City of Buffalo; and

WHEREAS, a City of Buffalo resolution entitled "Authorizing Inter Municipal Agreement Recycling Coordination/Outreach Funding and Project Description," was passed on January 8, 2008, authorizing the transfer of \$70,000 to the County of Erie as part of the local share of the NYSDEC Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept \$70,000 in resources from the City of Buffalo and other agreements to support the Erie County Waste Reduction and Recycling program for the City of Buffalo, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the contract necessary to accept \$179,677 from the NYSDEC (Contract No. C302847) to assist in funding the Erie County Waste Reduction and Recycling Program for the City of Buffalo, and be it further

RESOLVED, that the following Program budget is hereby appropriated in the grant fund as follows:

| Account | Description | Budget |
|---------|----------------------------|----------------|
| 479000 | County Share Contributions | \$ 74,677 |
| 409000 | State Aid Revenue | 179,677 |
| 420499 | Other Local Source Revenue | <u>105,000</u> |

| | | |
|----------------------|-----------------------|--------------|
| TOTAL REVENUE | | \$359,354 |
| 500000 | Personal Services | \$144,473 |
| 502000 | Fringe Benefits | 60,679 |
| 516020 | Professional Services | 142,702 |
| 510200 | Training & Education | 4,500 |
| 530000 | Other Expenses | <u>7,000</u> |
| TOTAL APPROPRIATIONS | | \$359,354 |

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget amendments as required to comply with Federal and State approved funding requirements, and be it further

RESOLVED, that the following occupied position from a previous grant (the funds of which are fully expended) will be created under this project:

Assistant Coordinator-Solid Waste Recycling Project (JG-9) position
B-100 No. 3523
Budgeted Annual Salary: \$46,377

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Holly A. Sinnott, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(6-0)

9. COMM. 4E-6 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature hereby confirms the appointment of David Barus (2246 Center Street, East Aurora, NY 14052) to the Erie County Fisheries Advisory Board for a term that will expire on December 31, 2010.
(6-0)

10. COMM. 4E-7 (2008)

COUNTY EXECUTIVE

WHEREAS, the County of Erie/Erie County Sewer District No. 6 has initiated plans to undertake the rehabilitation of the existing sanitary sewer in Holland, Wilson, and Wilmuth Avenues located in the City of Lackawanna; and

WHEREAS, the City of Lackawanna has requested Erie County to include the mill and pave portion of the sanitary sewer project with the City's road rehabilitation of Holland Avenue; and

WHEREAS, the Erie County/Erie County Sewer District No. 6 and the City of Lackawanna desire to enter into an intermunicipal agreement to coordinate and facilitate the sanitary sewer rehabilitation project and the road rehabilitation project in order to achieve cost containment and efficiency and to minimize inconvenience to the public; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 has recommended entering into an intermunicipal agreement for this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6 and the City of Lackawanna to transfer the costs for the County's planned mill and pave in Holland Avenue with the City of Lackawanna road rehabilitation is hereby approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate funds, not to exceed \$40,000, for road rehabilitation associated with the sanitary sewer portion of the work from Sewer Capital, Erie County Sewer District No. 6, Account C.00064; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said intermunicipal agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(6-0)

DANIEL M. KOZUB
CHAIR

CHAIR MARINELLI directed that item Number 2 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

Item 22 - MR. WROBLEWSKI presented the following report, moved to separate item Number 4 and approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

FEBRUARY 28, 2008

PUBLIC SAFETY COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3D-4 (2008)
STOP-DWI OFFICE: Probation/STOP-DWI – Home Visitation Project
(6-0)
 - b. COMM. 4M-9 (2008)
TOWN OF ELMA: Copy of Resolution to Retain School Resource Officer
Assignments of NYS Police.
(6-0)

2. INTRO 3-5 (2008)
IANNELLO

WHEREAS, Section 246 of the New York State Executive Law stipulates, “State aid shall be granted to the City of New York and the respective counties outside the City of New York only to the extent of reimbursing fifty per centum of the approved expenditures incurred by the county or City in maintaining and improving local probation services: and

WHEREAS, over the past two decades, local reimbursement for probation services has decreased from 46.5% to lower than 20%; and

WHEREAS, this deficiency was not addressed by Governor Spitzer in his 2008-09 budget proposal; and

WHEREAS, while reimbursement has diminished, state mandates on probation have increased to include interim supervision, DNA collections, Sex Offender registration, ignition interlock, and community service for DWI; and

WHEREAS, counties have been forced to assume a greater proportion of probation costs as the scope of probation services expands and new technologies arise for tracking and monitoring the activities of probationers; and

WHEREAS, in recent years, these costs have escalated sharply and dwindling state reimbursement and dedicated local funds are not enough to meet the demands placed on local probation departments; and

WHEREAS, probation officers typically travel great distances to meet with probationers at home or work, incurring additional non-reimbursed expenses; and

WHEREAS, the high costs associated with quality probation services has forced counties to assume a greater proportion of probation expenses, resulting in layoffs, reductions in services and increases in property taxes; and

WHEREAS, Erie County realizes that effective probation services provide substantial savings for the State by reducing the reliance on incarceration and placements, as evidenced by the 63,000 felons and the 43,000 juveniles currently receiving probation services.

NOW, THEREFORE, BE IT

RESOLVED, Erie County, in conjunction with Chief Judge Judith Kaye, the office of Court Administration (OCA) and the New York State Council of Probation Administrators (COPA) urges the Governor and the State Legislature to support the restoration of State Aid to local probation departments to a full 50% of approved expenditures incurred by the Counties in maintaining and improving local probation services; and be it further

RESOLVED, that any new public safety mandate imposed pursuant to State law, regulation, or Executive Order that imposes additional duties upon local probation departments, or directly increases the population of offenders subject to the jurisdiction of any such department, be fully funded by the State; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward copies of this Resolution to Governor Spitzer, the Western New York State delegation, the Mayors and Supervisors of the municipalities of Erie County, and Legislator Timothy Wroblewski, Chairman of the Public Safety Committee of the Erie County Legislature.
(6-0)

3. INTRO 3-6 (2008)
IANNELLO

WHEREAS, forty-three counties around the State have the authority to receive and respond to wireless 911 calls made from within their county; and

WHEREAS, these counties depend on wireless surcharge revenues to update and maintain the state of the art equipment their Public Safety Answering Points (PSAPs) required to keep our communities safe; and

WHEREAS, without wireless surcharge revenues, the cost to implement, maintain & administer local enhanced wireless 911 systems can be overwhelming for counties; and

WHEREAS, legislation passed in 2002 gave the authority to nineteen counties and the City of New York to use local wireless surcharge revenues for “costs associated with the design, construction, operation, maintenance and administration of public safety communications networks;” and

WHEREAS, since then, the remaining twenty-four counties that have been granted the authority to receive wireless 911 calls have been limited to using their surcharge revenues solely for the payment of “eligible wireless 911 service costs;” and

WHEREAS, this proposal would permit the second group of counties the same broader, public safety communications related uses as the first group once they have complied with enhanced wireless 911 standards governing the ability to locate wireless 911 callers geographically, loosely referred to as “Phase II” compliance; and

WHEREAS, Erie County respectfully requests the Senate and Assembly to include language in their respective budgets providing a dedicated portion of the State Wireless 911 surcharge revenues to the counties who actually receive the calls and dispatch police, fire and/or emergency

medical services to those in distress as local wireless surcharges alone cannot keep pace with rapidly evolving wireless 911 technologies.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County joins with the New York State Association of Counties to urge the State of New York to equitably share a portion of the Wireless 911 Surcharge revenue with counties that receive and respond to wireless 911 calls; and be it further

RESOLVED, that Erie County supports Governor Spitzer's proposal to expand the list of eligible expenditures for county PSAPs to include costs associated with the design, construction, operation, maintenance and administration of public safety communications networks and to consolidate the forty-three subdivisions of section 308 of Article 6 of the county Law; and be it further

RESOLVED, that the Clerk of the Erie County Legislature will forward copies of this resolution to Governor Spitzer, the Western New York delegation, and Erie County Legislator Timothy Wroblewski, Chairman of the Public Safety Committee.
(6-0)

4. INTRO 3-7 (2008)

IANNELLO

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$1,425,066.00 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Executive Budget proposes \$3 million for the creation of an office of Indigent Defense Services to oversee and monitor the provision of criminal defense services statewide, make recommendations for reform and provide attorney training and administration services; and

WHEREAS, the office will examine, evaluate and collect information on the existing public defense system in the counties and develop a case management system to facilitate the collection and reporting of such information; and

WHEREAS, the proposal also amends section 98-b of the State Finance Law to cap the amount of funding to counties from the Indigent Legal Services Fund under the current distribution formula to \$72 million; and

WHEREAS, Erie County is concerned this Office will eventually impose additional duties and responsibilities upon counties while capping state assistance for this program, thereby placing an increasing fiscal strain on county governments and the property tax payers of this County; and

WHEREAS, in June of 2006, a report to the Chief Judge of the State of New York, on the Future of Indigent Defense Services, highlights numerous shortcomings and inequities of the current public defense system, citing the lack of a single, independent body responsible for statewide public defense oversight and administration; and

WHEREAS, the report also states that New York's public defense system is in a state of crisis and suffers from a chronic and acute lack of funding and a more coordinated, state funded public defense system will provide improved services, while alleviating other costly strains on local justice systems and property tax payers; and

WHEREAS, significant reform of the current system cannot happen without a full state takeover of the public defense program as counties have only limited resources available and must fund an array of other state mandated programs; and

WHEREAS, while the creation of this Office may be viewed as a first step, Erie County along with other counties are concerned that Chief Judge Kaye's recommendations to provide a fully-funded State takeover will fall by the wayside; and

WHEREAS, the State continues to increase the compensation and workload of public defense attorneys by criminalizing more behavior without increasing funding to meet those defense responsibilities; and

WHEREAS, a cap on the amount of funding to counties from the Indigent Legal Services fund will only further exacerbate the funding issues Erie County and other counties continue to experience in relation to this public defense program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges Governor Spitzer and the Legislature to work with Erie County and the New York State Association of Counties (NYSAC) and the Office of Court Administration to develop budgetary language authorizing a full state takeover of all public defense services and expenses in New York State; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward copies of this Resolution to Governor Spitzer, the Western New York delegation, the Mayors and Supervisors of the municipalities of Erie County, and Erie County Legislator Timothy Wroblewski, Chairman of the Public Safety Committee.

(6-0)

5. INTRO 3-22 (2008)

KENNEDY, WROBLEWSKI, KOZUB, REYNOLDS, IANNELLO, KONST, GRANT, LOUGHRAN & WHYTE

WHEREAS, A Preliminary Partnership Agreement was executed between the New York State Office for Technology (OFT) and Erie County on April 28, 2005. Which agreement provided that Erie County would work with OFT to participate in the SWN as a Full System Partner; and

WHEREAS, Erie County, at the recommendation of New York State, did not improve any first responder communications and waited for the SWN system to materialize; and

WHEREAS, As a Full System Partner Erie County participated in the SWN Primary Region build out, scheduled for completion and local operation in Erie County by December 2006; and

WHEREAS, as a Full System Partner Erie County participated in the Primary Region Build Out testing in the Fall of 2007; and

WHEREAS, the results of the Primary Region Build Out testing were not optimal for local Erie County first responders and have been publicly described by several members of the public safety community who partook in the testing as “an absolute failure”; and

WHEREAS, the final price quote for the Full System SWN partnership was significantly more expensive than Erie County could afford; and

WHEREAS, Erie County ended their Full System Partnership Agreement with OFT in January 2008 due to equipment and tie in cost, timing, sole source contract and technology issues; and

WHEREAS, the entire system build out in New York State is based on the results of testing Erie County/Primary Region Build Out; and

WHEREAS, the entire system build out in New York State will utilize all of the E-911 funds that local counties, including Erie County, require to purchase equipment for first responders; and

WHEREAS, the cost of the entire system is estimated at nearly 3 billion dollars in taxpayer funds; and

WHEREAS, Erie County has not received adequate response and assistance from the New York State Office For Technology regarding concerns with the system.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County requests the Office of New York State Comptroller to conduct a full scale audit and inquiry into the failed implementation of the New York State Statewide Wireless Network in Erie County and the Primary Region Build Out, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor Eliot Spitzer, New York State Attorney General Andrew Cuomo, New York State Comptroller Thomas Dinapoli, New York State Office of Technology, New York State Senator Dale Volker, New York State Senator Liebell, New York State Senator Defrancisco, New York State Assemblyman Richard Brodsky, New York State Assemblyman Joseph Lentol, New York State Assemblywoman RoAnn Destito, Western New York Delegation, Congressman Brian Higgins, Congressman Joseph Crowley, Congresswoman Nita Lowey, Sheriff Tim Howard, Erie County Executive Chris Collins, Erie County Central Police Services Commissioner Greg Skibitsky, Erie County Fire Advisory Board, City of Buffalo Mayor Byron Brown.
(5-1) Chair Marinelli voted in the negative.

6. COMM. 3E-23 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Consolidated Aid-To-Crime Laboratories Grant to be administered by the New York State Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to maintain current staffing levels and improve laboratory services.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$751,982 with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP#: 165AIDCRLAB0708
Central Police Services
04/01/2007 to 06/30/2008

| | |
|--|---------------------|
| <u>Revenue</u> | <u>Increase</u> |
| Acct. 409000 State Aid | \$751,982 |
| <u>Appropriation</u> | <u>Increase</u> |
| Acct. 500000 Personnel | \$430,555 |
| Acct. 502000 Fringe Benefits | \$ 98,682 |
| Acct. 505800 Medical Supplied | \$ 1,445 |
| Acct. 510100 Travel | \$ 4,800 |
| Acct. 516020 Prof. Services Contracts & Fees | <u>\$ 13,000</u> |
| Acct. 561410 Lab & Tech Equipment | \$203,500 |
| Total Appropriation | \$751,982 |

And be it further

RESOLVED, that the six (6) existing staff positions in the Aid to Localities – Lab grant, SAP #165AIDLOCALLAB0708, be transferred to this new consolidated grant, effective 4/1/08, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Division of Budget and Management, Office of the Comptroller and the Department of Central Police Services.

(6-0)

7. COMM. 3E-25 (2008)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body has previously agreed to fund a \$5,000,000 Capital Improvements program to upgrade the fire training facilities located at the Fire Training Academy in Cheektowaga, NY; and

WHEREAS, the approved 2007 Capital budget funds the first \$1,000,000 in Capital Improvements; and

WHEREAS, the Commissioner of Emergency Services has requested that we proceed with the first phase of Capital Improvements by replacing the existing Live Burn Tower that shows significant signs of deterioration and is well beyond its useful life; and as such has been closed due to safety concerns for training fire fighters; and

WHEREAS, Fire Facilities, Inc. is the only manufacturer of Live Burn Building structures to employ the technologically advanced WestTec Insulation system. This system is a proprietary design of Fire Facilities, Inc. and is designed to provide, industry-wide, the strongest insulation of the the structure, up to 1800 degrees F. Several Municipalities and fire agencies in and around Erie County have successfully used Fire Facilities, Inc. Live Burn Buildings; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Agreement with DiDonato Associates for providing Professional Design Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to negotiate a contract as a sole source with Fire Fighters, Inc. for providing a pre-engineered Live Burn Building to replace the old antiquated fire training structure for an amount not to exceed \$400,000.00, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to issue a supplemental agreement to DiDonato Associates General Architectural/Engineering Agreement for an amount not to exceed \$100,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00311 – 2007 – Renovations to Training Center Complex for an amount not to exceed \$500,000.00, and be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.

(6-0)

8. COMM. 3E-26 (2008)

COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services needs to have their Comprehensive Emergency Management Plan (CEMP), Annexes and Addendums reviewed, and

WHEREAS, the Department of Emergency Services needs to have this completed in order to comply with the requirements of the Local Emergency Management Planning Grant, and

WHEREAS, James Lee Witt and Associates has a tremendous reputation in reviewing plans across the country, and

WHEREAS, Erie County utilized James Lee Witt and Associates during the October 2006 Disaster with tremendous success.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to sign a contract with James Lee Witt and Associates on behalf of the Department of Emergency Services, and be it further

RESOLVED, that the Erie County Department of Emergency Services will work with, and supply James Lee Witt and Associates their Comprehensive Emergency Management Plan (CEMP), Annexes and Addendums for review and updates, and be it further

RESOLVED, that all additions, changes and modifications to the plan will be reviewed by staff of the Department of Emergency Services for implementation, and be it further

RESOLVED, that the revised copies of the Comprehensive Emergency Management Plan (CEMP), Annexes and Addendums will be submitted to the County Executive and the Erie County Legislature for approval, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law, and the Department of Emergency Services.
(6-0)

TIMOTHY M. WROBLEWSKI
CHAIR

CHAIR MARINELLI directed that item Number 4 be returned to the PUBLIC SAFETY COMMITTEE for further consideration.

Item 23 - MS. MILLER-WILLIAMS presented the following report, moved to separate item Numbers 4, 7, and 8 and approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

| | |
|------------------------------|--------------------|
| FEBRUARY 28, 2008, FOLLOWING | GOVERNMENT AFFAIRS |
| RECESS, RECONVENED ON MARCH | COMMITTEE |
| 3, 2008 | REPORT NO. 2 |

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-18 (2007)
ECMC: Fact-Finding Report Between County of Erie and AFSCME, Local 1095
(5-0) Legislator Reynolds absent for vote.
 - b. COMM. 3D-2 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0) Legislator Reynolds absent for vote.
 - c. COMM. 3M-4 (2008)
EC BAR ASSOCIATION: Aid to Indigent Prisoners Society Inc. – Assigned Counsel Program
(5-0) Legislator Reynolds absent for vote.
 - d. COMM. 3M-6 (2008)
OFFICE OF THE STATE COMPTROLLER: Report Entitled “Estate Management by Public Administrators”
(5-0) Legislator Reynolds absent for vote.
 - e. COMM. 3M-10 (2008)
LEGAL AID BUREAU OF BUFFALO, INC.: Minutes of Board of Directors Meeting Held 6/21/07
(5-0) Legislator Reynolds absent for vote.
 - f. COMM. 3M-12 (2008)
LEGAL AID BUREAU OF BUFFALO, INC.: Quarterly Report of the Assigned Counsel Program
(5-0) Legislator Reynolds absent for vote.
 - g. COMM. 4D-1 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0) Legislator Reynolds absent for vote.
 - h. COMM. 4M-2 (2008)
NFTA: Copies of 17A and Capital Expenditure Reports for First Quarter of Fiscal Year 2008
(5-0) Legislator Reynolds absent for vote.
 - i. COMM. 4M-7 (2008)
LEGAL AID BUREAU OF BUFFALO, INC.: Monthly Report and Monthly Activity Report for January 2008
(5-0) Legislator Reynolds absent for vote.
2. INTRO 3-8 (2008) **AS AMENDED**
MILLER-WILLIAMS, MARINELLI, MILLS, KOZUB, KONST,
IANNELLO AND LOUGHRAN

WHEREAS, cultural and heritage tourism not only has the potential to spark an economic revival of a community, it also has in its essence the potential to raise the spirit of a community both in terms of pride and a real hope for the future; and

WHEREAS, the New York State Senate and Assembly are considering Home Rule Bills to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing the Michigan Street African American Heritage Corridor Commission in Buffalo, and providing membership, powers and duties thereof; and

WHEREAS, the Michigan Street corridor has a rich history of African American culture and heritage, and as a community recognized nationally for its unique cultural resources and historically significant architecture it is an ideal setting for such a commission charged with strengthening its future; and

WHEREAS, the Home Rules Bills now before the State Legislature aim to empower stakeholders to establish a commission to “foster the preservation, restoration and adaptive reuse of existing historic properties and landmarks in the area located between Broadway, Eagle, Elm and Nash streets in downtown Buffalo,” according to a Resolution passed by the Buffalo Common Council supporting the passage of the state legislation and creation of the commission; and

WHEREAS, with the successful outcome at the state level, a commission will be established and consist of up to nineteen members appointed to wit; two by the Governor; two by the temporary President of the Senate; two by the Speaker of the Assembly; the Mayor of Buffalo or designee; the President of the Convention and Visitors Bureau or designee; two representatives of the Department of Afro-American Studies, SUNY at Buffalo; one representative from the Monroe Fordham Regional History Center; a representative from each board governing the J. Edward Nash House, the Michigan Street Baptist Church, and the Colored Musicians Club; with all appointees being residents of the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in full support of the successful passage of New York State Senate Bill S-5233 and Assembly Bill A-7845, establishing the Michigan Street African American Heritage Corridor Commission; and be it further

RESOLVED, that with cultural and heritage tourism at the forefront of serious public policy discussion of economic development, community stabilization and revival in the City of Buffalo, that this Legislature further goes on record stating that the Michigan Street corridor is a unique and plausible area for such an initiative; and be it further

RESOLVED, that this Honorable Body supports the overall aim of the commission in fostering preservation, restoration and adaptive reuse of architectural structures and landmarks to both strengthen the community and provide for an economic revival of the corridor, as well lifting the spirit of its residents; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to New York State Governor Eliot L. Spitzer, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the Western New York Delegation to the State

Legislature, City of Buffalo Mayor Byron W. Brown, and to the Members of the Buffalo City Council.

(5-0) Legislator Reynolds absent for vote.

3. INTRO 3-9 (2008)

MILLER-WILLIAMS

WHEREAS, the Buffalo office of the Federal Bureau of Investigation must relocate its headquarters to a building and location that conform to post-9/11 security concerns as well as meet a needed expansion in FBI staff to meet these concerns; and

WHEREAS, the current headquarters is situated in downtown Buffalo proximate to other government agencies, especially the U.S. Attorney's office, federal and state courts and other law enforcement agencies, thereby facilitating joint, collaborative investigations and initiatives; and

WHEREAS, the employees who work in the current FBI headquarters support the downtown Buffalo economy by shopping and dining in the retail and restaurant establishments located in and proximate to the central business district; and

WHEREAS, the loss of hundreds of federal employees from downtown Buffalo would represent a terrible blow to the economic vitality of the central business district; and

WHEREAS, downtown Buffalo is well-positioned to provide a shovel-ready site for the construction of a new FBI headquarters that both enhances the security needs of the agency and maintains its presence near the second busiest international crossing into Canada in a northern binational region, to wit the Peace Bridge, the Rainbow and Whirlpool Bridges, and the Lewiston-Queenston Bridge; and

WHEREAS, both United States Senator Charles Schumer and Congressman Brian Higgins have asked the United States General Services Administration, the landlord for the FBI headquarters, to adhere to an executive order mandating that first consideration be given to a community's central business district; and

WHEREAS, the new, secure federal courthouse project in downtown Buffalo and the relocation of the headquarters of HealthNow (BlueCross BlueShield of Western New York) to downtown Buffalo demonstrate that Buffalo's central business district can accommodate the 21st century property and facility needs of both public agencies and private concerns.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record supporting the request of Senator Charles Schumer and Congressman Brian Higgins in calling upon the General Services Administration to give primacy to downtown Buffalo in identifying a site on which to build a new headquarters for the Buffalo office of the Federal Bureau of Investigation; and be it further

RESOLVED, that the Erie County Legislature requests that the City of Buffalo, and all other relevant government entities, do everything in their power to ensure that the General Services Administration on behalf of the Federal Bureau of Investigation finds a suitable site for its new headquarters in downtown Buffalo; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to United States Senator Charles Schumer; United States Congressman Brian Higgins; Mayor Byron Brown; Lurita Alexis Doan, Administrator of the United States General Services Administration; and, Laurie Bennett, Special Agent-in-Charge of the Buffalo office of the Federal Bureau of Investigation, and all other public officials deemed necessary and proper.

(5-0) Legislator Reynolds absent for vote.

4. COMM. 3E-27 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of William C. Lobbins to the position of Director of Equal Employment Opportunity.

(5-0) Legislator Reynolds absent for vote.

5. COMM. 3E-30 (2008)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Patrick W. Welch to the position of Director of Veterans Services.

(5-0) Legislator Reynolds absent for vote.

6. COMM. 3E-31 (2008)

COUNTY EXECUTIVE

WHEREAS, Erie County has embarked upon an aggressive risk management and safety program; and

WHEREAS, efficiency grant funds have been secured to contract with Great Lakes Environmental and Safety Consultants to perform a gap analysis of existing safety policies and procedures; and

WHEREAS, the County is also applying for funds from the NYS Occupational Safety and Health-Hazard Abatement Board to provide safety training in accordance of the gap analysis recommendations; and

WHEREAS, the training provided will assist the workforce in identifying, analyzing and mitigating potential hazards in the work area; and

WHEREAS, the support of the Legislature is requested to affirm Erie County's unified commitment to providing a safety training program that will create a safer work environment for the employees of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the effort to secure grant funds from the NYS Occupational Safety and Health-Hazard Abatement Board; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Department of Personnel; the Division of Budget and Management; and the Department of Law.

(5-0) Legislator Reynolds absent for vote.

7. INTRO 4-8 (2008)

MARINELLI

WHEREAS, in order to effectuate a reorganization of the Erie County Legislature 2008 Personal Services Budget, several staffing adjustments are necessary; and

WHEREAS, Legislature authorization is also required to establish a variable minimum for the year 2008 for Legislative District Office personnel in order to maintain a fair and consistent salary policy related to District Office employee turnover, in accordance with Erie County Personnel Policy, and to account for the omission of such authorization as a Budget Resolution within the 2008 Adopted Erie County Budget; and

WHEREAS, both the Legislature staff reorganization and District Office salary authorization will have no additional personal services costs, and will be implemented while keeping within the Legislature's adopted appropriation for 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby delete one (1) full-time position of CHIEF OF STAFF – LEGISLATURE (Position No. 51002776), Cost Center 1003030, effective February 28, 2008; and be it further

RESOLVED, that this Legislative Body further deletes one (1) full-time position of SENIOR ADMIN. CLERK – LEGISLATURE (Position No. 51003058), Cost Center 1003030, effective March 25, 2008; and be it further

RESOLVED, that authorization is hereby granted to create one (1) full-time position of SENIOR POLICY ANALYST, JG 14, to Cost Center 1003030, and one (1) full-time position of LEGISLATIVE ASSISTANT, JG 10, to Cost Center 1004040, effective February 28, 2008; and be it further

RESOLVED, that authorization is hereby granted to create one (1) full-time position of ADMIN. CLERK - LEGISLATURE, JG 7, to Cost Center 1003030, and one (1) regular part-time position of SENIOR CLERK TYPIST (LEGISLATURE) RPT, JG 4, to Cost Center 1003030, effective March 25, 2008; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum step 4 for the position of ADMIN. CLERK (LEGISLATURE), ADMIN. CLERK LEGISLATURE (RPT), and ADMIN. CLERK LEGISLATURE (PT), Cost Center 1005017 –District Office Staff, for the year 2008, in accordance with the 2008 Adopted Erie County Budget and Erie County Personnel Policy; effective January 1, 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Personnel; the Director of the Division of Budget, Management & Finance; and the Executive Director of the Erie County Fiscal Stability Authority.

(3-2) Legislators Whyte and Kozub in the negative. Legislator Reynolds absent for vote.

8. COMM. 4E-5 (2008)

COUNTY EXECUTIVE

WHEREAS, the 2008 Erie County Budget stipulated that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive; and

WHEREAS, the Administration has experienced tremendous difficulty recruiting a qualified candidate to serve as the County Attorney because the current salary is not competitive with what private sector employers are paying; and

WHEREAS, the University at Buffalo's (UB) Career Services Office indicates that UB Law Students that graduated in 2006, working for larger firms, are earning a medium salary of \$145,000; and

WHEREAS, these graduates are far less experienced than the pool of candidates being recruited by the Administration to serve as the next County Attorney; and

WHEREAS, two candidates recruited by the Administration have respectfully declined our offer to serve as the County Attorney because the salary did not meet their expectations; and

WHEREAS, the County Attorney represents and advises both the County Legislature and the Administration; and

WHEREAS, Erie County is a major entity with a \$1.4 billion budget that funds and supports thousands of employees, numerous departments and functions, thousands of assets, and serves nearly one million residents; and

WHEREAS, it is critical that an entity of this size has the most qualified and experienced Attorney to represent it and advise it.

NOW, THEREFORE, BE IT

RESOLVED, that the salary for the position of County Attorney is hereby authorized to increase to Step 5 for the title of County Attorney in Job Group 21; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the Commissioner of Personnel
(3-2) Legislators Whyte and Kozub in the negative. Legislator Reynolds absent for vote.

BARBARA MILLER-WILLIAMS
CHAIR

MS. MILLER-WILLIAMS moved to receive, file & print item Number 4. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

January 23, 2008

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Honorable Members:

Pursuant to my authority under Article 18, Section 1802 of the Erie County Charter, I hereby appoint William C. Lobbins to the position of Director of Equal Employment Opportunity. I hereby certify that Mr. Lobbins meets the qualifications of said position.

Thank you for your attention in this matter.

Sincerely,

Chris Collins
Erie County Executive

MS. MILLER-WILLIAMS moved to approve item Number 7. MR. KENNEDY seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RATH, GRANT, KENNEDY, KONST, KOZUB, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. NOES: RANZENHOFER, IANNELLO and LOUGHRAN. (AYES: 12, NOES: 3)

CARRIED.

CHAIR MARINELLI directed that item Number 8 be returned to the GOVERNMENT AFFAIRS COMMITTEE for further consideration.

MR. RANZENHOFER challenged the ruling of the chair. MR. RATH seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, RATH, KONST, KOZUB and REYNOLDS. NOES: GRANT, IANNELLO, KENNEDY, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, WHYTE and WROBLEWSKI. (AYES: 6, NOES: 9)

FAILED.

Item 24 - MS. KONST presented the following report, moved to separate item Number 5 and approve the balance of the report. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

FEBRUARY 28, 2008

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR REYNOLDS. CHAIR MARINELLI
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1E-15 (2008)
COMPTROLLER: Apportionment and Distribution of Net Collections From The Local Four and Three Quarter Percent (4.75%) Sales and Compensating Use Tax
(5-0)
 - b. COMM. 3E-4 (2008)
COUNTY EXECUTIVE: 1% Sales Tax Extension
(5-0)
 - c. COMM. 3E-12 (2008)
COUNTY EXECUTIVE: Extension of the Additional 1% Sales Tax
(5-0)
 - d. COMM. 3D-3 (2008)
DIRECTOR OF REAL PROPERTY TAX SERVICES: NYS Grant Application Submission
(5-0)
 - e. COMM. 4M-1 (2008)
CHRISTOPHER DUQUIN, ET AL: Letter to County Executive Concerning Budget Compliance with Erie County Charter
(5-0)
2. COMM. 17D-2 (2007) **AS AMENDED**
DIRECTOR OF REAL PROPERTY TAX SERVICES
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing); and

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 208016 through 208064, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2008 Petition No. 208,016.00

ASSESSOR Refund \$2,292.04

S-B-L 54.81-1-19 142289 AMHERST

| | | |
|-----------------------------------|------------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$2,292.04 | Town/SpecialDist/School |
| <u>Charge To :</u> 142289 AMHERST | | \$2,292.04 |

RPTL 550 (2) E - WRONG SPECIAL DISTRICT UNITS ASSESSED
REFUND TO BE ISSUED TO: ALTRINIA E. TAYLOR

FISCAL YEAR 2008 Petition No. 208,017.00

ASSESSOR Cancel \$15.58

S-B-L 88.750-2-21 140200 BUFFALO

| | | |
|-----------------------------------|---------|-------------------------|
| Acct. No. 112 | \$15.58 | County |
| Acct. No. 132 | \$0.00 | Town/SpecialDist/School |
| <u>Charge To :</u> 140200 BUFFALO | | \$0.00 |

RPTL 550(2): INCORRECT ASSESSMENT CALCULATED
NEW TAX BILL TO BE ISSUED TO: LUCY FRASCA

FISCAL YEAR 2007 Petition No. 208,018.00

ASSESSOR Cancel \$143.84

S-B-L 48.00-1-2.21/A 145689 NEWSTEAD

| | | |
|------------------------------------|----------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$143.84 | Town/SpecialDist/School |
| <u>Charge To :</u> 145689 NEWSTEAD | | \$143.84 |
| Relevy School | \$143.84 | 145601 AKRON CENTRAL |

RPTL 550(2): PARCEL IS WHOLLY EXEMPT
NEW TAX BILL TO BE ISSUED TO: FIVE CORNERS PARK

FISCAL YEAR 2008 Petition No. 208,019.00

ASSESSOR Cancel \$182.49

S-B-L 53.58-1-28 146489 TONAWANDA

Acct. No. 112 \$82.95 County
Acct. No. 132 \$99.54 Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$99.54

RPTL 550(2): FAILED TO APPLY VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: CHESTER WOLOSZYN

FISCAL YEAR 2008 Petition No. 208,020.00

ASSESSOR Cancel \$660.15

S-B-L 118.11-1-4 142089 ALDEN

Acct. No. 112 \$660.15 County
Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : 142089 ALDEN \$0.00

RPTL 550(2): INCORRECT RPTL 520 AMOUNT APPLIED
NEW TAX BILL TO BE ISSUED TO: MARK CZAMECKI

FISCAL YEAR 2007 Petition No. 208,021.00

ASSESSOR Refund \$589.50

S-B-L 41.08-2-69 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$589.50 Town/SpecialDist/School

Charge To : 142289 AMHERST \$589.50
Relevy School \$589.50 142203 WILLIAMSVILLE CENT

RPTL 550(2): BASIC STAR NOT APPLIED
REFUND TO BE ISSUED TO: VINCENT & LUCILLE TIGHE

FISCAL YEAR 2006 Petition No. 208,022.00

ASSESSOR Refund \$588.95

S-B-L 41.08-2-69 142289 AMHERST

| | | | |
|--------------------|----------------|----------|---------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$588.95 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | \$588.95 | |
| | Relevy School | \$588.95 | 142203 WILLIAMSVILLE CENT |

RPTL 550(2): BASIC STAR NOT APPLIED
REFUND TO BE ISSUED TO: VINCENT & LUCILLE TIGHE

FISCAL YEAR 2008 Petition No. 208,023.00

ASSESSOR Cancel \$12,210.26

S-B-L 67.10-1-3.1 142289 AMHERST

| | | | |
|--------------------|----------------|-------------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$12,210.26 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | \$12,210.26 | |

RPTL 550 (2) E - WRONG NUMBER OF SEWER UNITS CHARGED
NEW TAX BILL TO BE ISSUED TO: FALLS BLVD SHOP CENTER, INC.

FISCAL YEAR 2008 Petition No. 208,024.00

ASSESSOR Cancel \$19.50

S-B-L 159.18-1-10 144889 HAMBURG

| | | | |
|--------------------|----------------|---------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$19.50 | Town/SpecialDist/School |
| 48116 ECSD 3 CH2 | \$19.50 | | |
| <u>Charge To :</u> | 144889 HAMBURG | \$0.00 | |

RPTL 550(2) E - CHARGED FOR EC SEWER #3 BUT NOT ACCESSIBLE
CORRECTED TAX BILL TO BE ISSUED TO: MARIE E HOAK

FISCAL YEAR 2008 Petition No. 208,025.00

ASSESSOR Cancel \$101.16

S-B-L 222.00-4-24.12 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$101.16 Town/SpecialDist/School

Charge To : 144489 EVANS \$101.16

RPTL 550(2): OMITTED TAX ALREADY PAID, TO BE REMOVED AND
NEW TAX BILL TO BE ISSUED TO: DONALD RUPPERT

FISCAL YEAR 2008 Petition No. 208,026.00

ASSESSOR Cancel \$133.57

S-B-L 221.00-5-25 144489 EVANS

Acct. No. 112 \$65.40 County
Acct. No. 132 \$68.17 Town/SpecialDist/School

Charge To : 144489 EVANS \$68.17

RPTL 550(2): FAILED TO APPLY COMBAT VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: DANIEL & JANET ZORN

FISCAL YEAR 2008 Petition No. 208,027.00

ASSESSOR Cancel \$6.00

S-B-L 169.19-1-7 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$6.00 Town/SpecialDist/School

48116 ECSD 3 CH2 \$6.00
Charge To : 144889 HAMBURG \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICT CHARGES
NEW TAX BILL TO BE ISSUED TO: CLOVERBANK TAX PAYERS ASSOCIATION

FISCAL YEAR 2008 Petition No. 208,028.00

ASSESSOR Cancel \$75.00

S-B-L 180.16-1-24 144889 HAMBURG

Acct. No. 112 \$0.00 County

Acct. No. 132 \$75.00 Town/SpecialDist/School

48116 ECSD 3 CH2 \$75.00
Charge To : 144889 HAMBURG \$0.00

RPTL 550(2): INCORRECTLY APPLIED EC SEWER CHARGES
NEW TAX BILL TO BE ISSUED TO: JACK & ANGELA VOGEL

FISCAL YEAR 2008 Petition No. 208,029.00

ASSESSOR Cancel \$505.94

S-B-L 235.00-2-26.5 144489 EVANS

Acct. No. 112 \$0.00 County

Acct. No. 132 \$505.94 Town/SpecialDist/School

Charge To : 144489 EVANS \$505.94

RPTL 550(2) - INCORRECTLY APPLIED DELINQUENT WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: CATHERINE CAFFERY

FISCAL YEAR 2008 Petition No. 208,030.00

ASSESSOR Cancel \$157.46

S-B-L 205.00-3-7 144489 EVANS

Acct. No. 112 \$0.00 County

Acct. No. 132 \$157.46 Town/SpecialDist/School

Charge To : 144489 EVANS \$157.46

RPTL 550(2) - INCORRECTLY APPLIED DELINQUENT WATER CHARGES

NEW TAX BILL TO BE ISSUED TO: THOMAS & CHERYL SHAPTER

| | | | |
|--------------------|--------------------|--------------------|-------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,031.00 |
| ASSESSOR | Cancel | \$215.90 | |
| S-B-L | 102.10-1-59 | 143089 CHEEKTOWAGA | |
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$215.90 | Town/SpecialDist/School |
| | 30690 RPTL 520 | \$215.90 | |
| <u>Charge To :</u> | 143089 CHEEKTOWAGA | \$0.00 | |

RPTL 550 (3) - APPLIED WRONG AMOUNT TO RPTL 520
NEW TAX BILL TO BE ISSUED TO: NORMAN CZARNECKI

| | | | |
|--------------------|--------------------|--------------------|-------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,032.00 |
| ASSESSOR | Cancel | \$1,662.67 | |
| S-B-L | 80.17-13-20 | 143089 CHEEKTOWAGA | |
| | Acct. No. 112 | \$374.85 | County |
| | Acct. No. 132 | \$1,287.82 | Town/SpecialDist/School |
| <u>Charge To :</u> | 143089 CHEEKTOWAGA | \$1,287.82 | |

RPTL 550 (3) - FULLY EXEMPT TOWN OWNED PROPERTY
CANCEL ALL TAXES DUE

| | | | |
|--------------------|--------------------|--------------------|-------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,033.00 |
| ASSESSOR | Cancel | \$1,862.30 | |
| S-B-L | 123.36-5-25 | 143089 CHEEKTOWAGA | |
| | Acct. No. 112 | \$361.28 | County |
| | Acct. No. 132 | \$1,501.02 | Town/SpecialDist/School |
| <u>Charge To :</u> | 143089 CHEEKTOWAGA | \$1,501.02 | |

RPTL 550 (3) - TOWN OWNED, FULLY EXEMPT
CANCEL ALL TAXES DUE

| | | | |
|--------------------|-------------------|--------------|--------------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,034.00 |
| ASSESSOR | Cancel | | \$12.78 |
| S-B-L | 235.09-4-1.2 | 144489 EVANS | |
| | Acct. No. 112 | | \$4.01 County |
| | Acct. No. 132 | | \$8.77 Town/SpecialDist/School |
| 44068 | ERIE CO SEW DST 2 | \$0.18 | |
| 44068 | ERIE CO SEW DST 2 | \$0.66 | |
| <u>Charge To :</u> | 144489 EVANS | | \$7.93 |

RPTL 550 (2) - DUPLICATE PARCEL UNDER DIFFERENT SBL
CANCEL FULL AMOUNT DUE: MICHAEL & LINDA JAEGER

| | | | |
|--------------------|----------------|----------------|---------------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,035.00 |
| ASSESSOR | Cancel | | \$27.49 |
| S-B-L | 41.06-1-4 | 142289 AMHERST | |
| | Acct. No. 112 | | \$0.00 County |
| | Acct. No. 132 | | \$27.49 Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | | \$27.49 |

RPTL 550 (2) E - WRONG SPECIAL DISTRICT CHARGES
NEW TAX BILL TO BE ISSUED TO: JAMES HORNUNG, KAREN REYNDERS

| | | | |
|-------------|----------------|----------------|----------------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,036.00 |
| ASSESSOR | Cancel | | \$317.92 |
| S-B-L | 68.15-12-33.12 | 142289 AMHERST | |
| | Acct. No. 112 | | \$0.00 County |
| | Acct. No. 132 | | \$317.92 Town/SpecialDist/School |

Charge To : 142289 AMHERST \$317.92

RPTL 550 (2) E - INCORRECT SPECIAL DISTRICT UNITS
NEW TAX BILL TO BE ISSUED TO: RUSSELL D. SWAIN

FISCAL YEAR 2006 Petition No. 208,037.00

ASSESSOR Refund \$149.41

S-B-L 115.19-2-11 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$149.41 Town/SpecialDist/School

Charge To : 145289 LANCASTER \$149.41

RPTL 550 (2) E - REFUSE CHARGED IN ERROR
REFUND TO BE ISSUED TO: TWIN DISTRICT VOL FIRE CO.

FISCAL YEAR 2007 Petition No. 208,038.00

ASSESSOR Refund \$149.42

S-B-L 115.19-2-11 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$149.42 Town/SpecialDist/School

Charge To : 145289 LANCASTER \$149.42

RPTL 550 (2) E - REFUSE CHARGED IN ERROR
REFUND TO BE ISSUED TO: TWIN DISTRICT VOL FIRE CO.

FISCAL YEAR 2008 Petition No. 208,039.00

ASSESSOR Cancel \$250.00

S-B-L 250.17-5-41 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$250.00 Town/SpecialDist/School

44071 ERIE CO SEWER EX1 \$250.00
Charge To : 144489 EVANS \$0.00

RPTL 550 (2) E - INCORRECT SEWER UNIT CHARGES
NEW TAX BILL TO BE ISSUED TO: ANGELO CORDARO

FISCAL YEAR 2008 Petition No. 208,040.00

ASSESSOR Cancel \$944.34

S-B-L 37.03-1-49 144600 GRAND ISLAND

Acct. No. 112 \$558.69 County
Acct. No. 132 \$385.65 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$385.65

RPTL 550 (2) WRONG ASSESSED VALUE APPLIED TO PARCEL
NEW TAX BILL TO BE ISSUED TO: PHILBAR ASSOCIATES

FISCAL YEAR 2008 Petition No. 208,041.00

ASSESSOR Cancel \$250.00

S-B-L 235.19-2-33 144401 ANGOLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$250.00 Town/SpecialDist/School
44077 ERIE CO SEWER DIST \$250.00
Charge To : 144401 ANGOLA \$0.00

RPTL 550 (2) E - WRONG NUMBER OF UNITS CHARGED FOR SEWER
NEW TAX BILL TO BE ISSUED TO: FRANK POLIZZI

FISCAL YEAR 2008 Petition No. 208,042.00

ASSESSOR Refund \$4,351.30

S-B-L 160.09-3-14.1 144889 HAMBURG

| | | |
|----------------------------|----------------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$4,351.30 | Town/SpecialDist/School |
| 48185 HAMB NORTH ECSD USER | \$4,351.30 | |
| <u>Charge To :</u> | 144889 HAMBURG | \$0.00 |

RPTL 550 (2) E - INCORRECT UNITS CHARGED FOR SEWER
NEW TAX BILL TO BE ISSUED TO: JENNIFER A. RIEFLER

FISCAL YEAR 2007 Petition No. 208,043.00

ASSESSOR Refund \$2,004.73

S-B-L 37.03-1-49 144600 GRAND ISLAND

| | | |
|--------------------|---------------------|--------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$2,004.73 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144600 GRAND ISLAND | \$2,004.73 |
| Relevy School | \$2,004.73 | 144601 GRND ISLN CENTRAL |

RPTL 550(2): WRONG ASSESSED VALUE APPLIED TO TAX ROLL
REFUND TO BE ISSUED TO: PHILBAR ASSOCIATES

FISCAL YEAR 2008 Petition No. 208,044.00

ASSESSOR Cancel \$37.92

S-B-L 226.01-2-14.12 142600 BOSTON

| | | |
|--------------------|---------------|-------------------------|
| Acct. No. 112 | \$27.98 | County |
| Acct. No. 132 | \$9.94 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142600 BOSTON | \$9.94 |

RPTL 550(2): FAILED TO APPLY VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: LYLE C SHARMAN

FISCAL YEAR 2005 Petition No. 208,045.00

ASSESSOR Refund \$216.97

S-B-L 235.00-2-26.5 144489 EVANS

| | | | |
|--------------------|---------------|----------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$216.97 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | | \$216.97 |

RPTL 550 (3) - APPLIED DELINQUENT WATER TO WRONG PARCEL
REFUND TO BE ISSUED TO: CATHERINE CAFFERY

FISCAL YEAR 2006 Petition No. 208,046.00

ASSESSOR Refund \$825.82

S-B-L 235.00-2-26.5 144489 EVANS

| | | | |
|--------------------|---------------|----------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$825.82 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | | \$825.82 |

RPTL 550 (3) - APPLIED DELINQUENT WATER TO WRONG PARCEL
REFUND TO BE ISSUED TO: CATHERINE CAFFERY

FISCAL YEAR 2007 Petition No. 208,047.00

ASSESSOR Refund \$64.73

S-B-L 235.00-2-26.5 144489 EVANS

| | | | |
|--------------------|---------------|---------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$64.73 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | | \$64.73 |

RPTL 550 (3) - APPLIED DELINQUENT WATER TO WRONG PARCEL
REFUND TO BE ISSUED TO: CATHERINE CAFFERY

FISCAL YEAR 2006 Petition No. 208,048.00

ASSESSOR Refund \$39.81

S-B-L 221.00-5-25 144489 EVANS

| | | | |
|--------------------|---------------|---------|-------------------------|
| | Acct. No. 112 | \$6.37 | County |
| | Acct. No. 132 | \$33.44 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | | \$33.44 |

RPTL 550(2): FAILED TO APPLY COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: DANIEL F & JANET ZORN

FISCAL YEAR 2007 Petition No. 208,049.00

ASSESSOR Refund \$50.99

S-B-L 221.00-5-25 144489 EVANS

| | | | |
|--------------------|---------------|---------|-------------------------|
| | Acct. No. 112 | \$10.77 | County |
| | Acct. No. 132 | \$40.22 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | | \$40.22 |

RPTL 550(2): FAILED TO APPLY COMBAT VETERANS EXEMPTION
REFUND TO BE ISSUED TO: DANIEL F & JANET M ZORN

FISCAL YEAR 2006 Petition No. 208,050.00

ASSESSOR Refund \$103,487.9

S-B-L 777.00-43-3 146800 WEST SENECA

| | | | |
|--------------------|--------------------|--------------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$103,487.90 | Town/SpecialDist/School |
| <u>Charge To :</u> | 146800 WEST SENECA | | \$103,487.90 |

RPTL 550 (2) - WRONG TAXABLE VALUE APPLIED TO FIRE DISTRICT
REFUND TO BE ISSUED TO: PENNSYLVANIA LINES, LCC. NORFOLK SOUTHERN

FISCAL YEAR 2008 Petition No. 208,051.00

ASSESSOR Cancel \$5,448.40

S-B-L 183.17-1-1 144803 HAMBURG

| | | | |
|--------------------|----------------------|------------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$5,448.40 | Town/SpecialDist/School |
| 48610 | VILL HAM USER ECSD#3 | \$5,448.40 | |
| <u>Charge To :</u> | 144803 HAMBURG | \$0.00 | |

RPTL 550(2): WRONG UNIT VALUE APPLIED TO SEWER DISTRICT
NEW TAX BILL TO BE ISSUED TO: HAMBURG CENTRAL SCHOOLS

FISCAL YEAR 2008 Petition No. 208,052.00

ASSESSOR Cancel \$4,308.90

S-B-L 183.13-1-1 144803 HAMBURG

| | | | |
|--------------------|----------------------|------------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$4,308.90 | Town/SpecialDist/School |
| 48610 | VILL HAM USER ECSD#3 | \$4,308.90 | |
| <u>Charge To :</u> | 144803 HAMBURG | \$0.00 | |

RPTL 550(2): WRONG UNIT VALUE APPLIED TO SEWER DISTRICT
NEW TAX BILL TO BE ISSUED TO: HAMBURG CENTRAL SCHOOLS

FISCAL YEAR 2008 Petition No. 208,053.00

ASSESSOR Cancel \$66.00

S-B-L 169.19-1-1 144889 HAMBURG

| | | | |
|--------------------|----------------|---------|-------------------------|
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$66.00 | Town/SpecialDist/School |
| 48116 | ECSD 3 CH2 | \$66.00 | |
| <u>Charge To :</u> | 144889 HAMBURG | \$0.00 | |

RPTL 550(2): WRONG UNIT VALUE APPLIED TO SEWER DISTRICT
NEW TAX BILL TO BE ISSUED TO: CLOVERBANK TAXPAYERS ASSOC.

FISCAL YEAR 2008 Petition No. 208,054.00

ASSESSOR Refund \$312.00

S-B-L 142.20-3-6.11 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$312.00 Town/SpecialDist/School

9992 ECSD#6 SAN SEWER \$312.00
Charge To : 140900 LACKAWANNA \$0.00

RPTL 550(2): WRONG UNIT VALUE APPLIED TO SEWER DISTRICT
NEW TAX BILL TO BE ISSUED TO: THERESA MATUSICK

FISCAL YEAR 2008 Petition No. 208,055.00

ASSESSOR Refund \$2,755.20

S-B-L 82.01-1-7 143200 CLARENCE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,755.20 Town/SpecialDist/School

32112 ECSD #5 USER CHARGE \$2,755.20
Charge To : 143200 CLARENCE \$0.00

RPTL 550(2): WRONG UNIT VALUE APPLIED TO SEWER DISTRICT
NEW TAX BILL TO BE ISSUED TO: 8171 MAIN ST, INC.

FISCAL YEAR 2008 Petition No. 208,056.00

ASSESSOR Cancel \$2,112.03

S-B-L 777.00-48-3.1 144489 EVANS

Acct. No. 112 \$823.83 County
Acct. No. 132 \$1,288.20 Town/SpecialDist/School

Charge To : 144489 EVANS \$1,288.20

RPTL 550 (2) - A/V EXCEEDS CEILING VALUE FOR RAILROADS
NEW TAX BILL TO BE ISSUED TO: NORFOLK SOUTHERN

| | | | |
|--------------------|-------------------------|---------------|-------------------------|
| FISCAL YEAR | 2008 | Petition No. | 208,057.00 |
| ASSESSOR | Cancel | \$459.69 | |
| S-B-L | 777.00-48-1.1 | 144401 ANGOLA | |
| | Acct. No. 112 | \$171.69 | County |
| | Acct. No. 132 | \$288.00 | Town/SpecialDist/School |
| | 44076 ERIE CO SEW DST 2 | \$28.36 | |
| | 44076 ERIE CO SEW DST 2 | \$7.58 | |
| <u>Charge To :</u> | 144401 ANGOLA | \$252.06 | |

RPTL 550 (2) - A/V EXCEEDS CEILING VALUE FOR RAILROADS
NEW TAX BILL TO BE ISSUED TO: NORFOLK SOUTHERN RR CO

| | | | |
|--------------------|---------------|--------------|---------------------------|
| FISCAL YEAR | 2007 | Petition No. | 208,058.00 |
| ASSESSOR | Refund | \$2,807.14 | |
| S-B-L | 777.00-48-3.1 | 144489 EVANS | |
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$2,807.14 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | \$2,807.14 | |
| | Relevy School | \$2,807.14 | 144401 LAKE SHORE CENTRAL |

RPTL 550 (2) - A/V EXCEEDS CEILING VALUE FOR RAILROADS
REFUND TO BE ISSUED TO: NORFOLK SOUTHERN

| | | | |
|--------------------|---------------|---------------|---------------------------|
| FISCAL YEAR | 2007 | Petition No. | 208,059.00 |
| ASSESSOR | Refund | \$585.02 | |
| S-B-L | 777.00-48-1.1 | 144401 ANGOLA | |
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$585.02 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144401 ANGOLA | \$585.02 | |
| | Relevy School | \$585.02 | 144401 LAKE SHORE CENTRAL |

RPTL 550 (2) - A/V EXCEEDS CEILING VALUE FOR RAILROADS
REFUND TO BE ISSUED TO: NORFOLK SOUTHERN

FISCAL YEAR 2008 Petition No. 208,060.00

ASSESSOR Cancel \$111.30

S-B-L 175.08-2-28 142401 EAST AURORA

Acct. No. 112 \$90.20 County

Acct. No. 132 \$21.10 Town/SpecialDist/School

2002 ECSD #6 O/D \$0.00

Charge To : 142401 EAST AURORA \$21.10

RPTL 550(2): FAILED TO APPLY THE VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: SHIRLEY HECKATHORN

FISCAL YEAR 2008 Petition No. 208,061.00

ASSESSOR Cancel \$7,270.15

S-B-L 132.20-1-1 140200 BUFFALO

Acct. No. 112 \$0.00 County

Acct. No. 132 \$7,270.15 Town/SpecialDist/School

2002 ECSD #6 O/D \$7,270.15

Charge To : 140200 BUFFALO \$0.00

RPTL 550(2): ADDED SEWER CHARGE IN ERROR
NEW TAX BILL TO BE ISSUED TO: BUFFALO URBAN DEVELOPMENT CORPORATION

FISCAL YEAR 2008 Petition No. 208,062.00

ASSESSOR Refund \$153.73

S-B-L 104.82-1-13 145203 LANCASTER

Acct. No. 112 \$0.00 County

Acct. No. 132 \$153.73 Town/SpecialDist/School

Charge To : 145203 LANCASTER \$153.73

RPTL 550 (2) - WRONG SPECIAL DISTRICT CHARGE - REFUSE

REFUND TO BE ISSUED TO: 5386-5400 BROADWAY LLC

FISCAL YEAR 2008 Petition No. 208,063.00

ASSESSOR Refund \$210.00

S-B-L 161.00-5-6 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County

Acct. No. 132 \$210.00 Town/SpecialDist/School

60141 ERIE CO SEW DST 3 \$210.00

Charge To : 146089 ORCHARD PARK \$0.00

RPTL 550(2): WRONG UNIT VALUE APPLIED TO SEWER DISTRICT
REFUND TO BE ISSUED TO: JAMES H. PREISS

FISCAL YEAR 2008 Petition No. 208,064.00

OWNER Cancel \$346.10

S-B-L 195.12-7-6.2 144803 HAMBURG

Acct. No. 112 \$0.00 County

Acct. No. 132 \$346.10 Town/SpecialDist/School

48608 EC #3 VILL HAM \$121.10

48609 EC #3 VILL HAM \$225.00

Charge To : 144803 HAMBURG \$0.00

RPTL 550 (2) E - INCORRECT EC SEWER CHARGES APPLIED
NEW TAX BILL TO BE ISSUED TO: ANTHONY M BUCHINGER;

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real
Property Tax Services.
(5-0)

3. INTRO 3-10 (2008)

MARINELLI, MILLER-WILLIAMS & WHYTE

WHEREAS, the County of Erie is the receipt of several grants from both New York State
and the Federal Government; and

WHEREAS, these grants total millions of dollars and fund a broad range of services provided to and for the benefit of the residents and taxpayers of Erie County including public safety, public health and law enforcement; and

WHEREAS, the Erie County Legislature has a responsibility to monitor the use and expenditure of these grant funds to insure that they are used for the purposes intended by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive or his designated representative provide the Erie County Legislature with a detailed overview of all grants received by Erie County; and be it further

RESOLVED, that the County Executive or his designated representative provide a written report to the Erie County Legislature detailing the following specific information for the 2008 fiscal year: name of each grant and grantor; number of Erie County residents served by each grant; effective dates of each grant; total dollar amount for each grant; the department or unit of county government responsible for administering each grant and the names, titles and salaries of all employees funded by each grant by March 1, 2008; and be it further

RESOLVED, that certified copies of the resolution be delivered to the County Executive, the County Attorney and the Director of the Office of Budget and Management.
(5-0)

4. INTRO 3-20 (2008)

RATH, MILLS, RANZENHOFER & MARINELLI

WHEREAS, Erie, Monroe, Westchester, Onondaga, and Wayne Counties share sales tax revenue with school districts; and

WHEREAS, the current STAR benefit system is calculated locally using property tax revenues as the sole local component; and

WHEREAS, the sales tax revenue these counties distribute to local school districts is not credited in the local share for calculation of the STAR benefit; and

WHEREAS, as these counties increase school district funding with sales tax revenues, the state STAR program benefit for residents does not increase; and

WHEREAS, if sales tax figures were included in the calculation of STAR benefits, county residents would receive an estimated increase of twenty five million dollars in their STAR benefit without experiencing an increase in their school district tax rates; and

WHEREAS, residents of counties that provide support for school districts, by sharing sales tax revenue, should not be adversely affected or penalized with lower STAR benefits because of the sharing of their counties; and

WHEREAS, changing the formula for calculating STAR benefit amounts would return an estimated additional \$25 million to Erie County taxpayers and have an economic impact benefit of \$100 million; and

WHEREAS, changing the formula for calculating STAR benefits has no impact on school district tax rates and has no adverse impact on Erie County taxpayers; and

WHEREAS, the original STAR resolution submitted by the administration that changed school district tax rates was received and tabled by the legislature as unworkable; and

WHEREAS, Governor Eliot Spitzer's Budget Proposal for fiscal year 2008-09 provides \$1.25 billion in property tax relief by with increased benefits for seniors. STAR would increase to \$1.7 billion in 2010-11; and

WHEREAS, this proposed increase would substantially aid taxpayers who make less than \$90,000 in upstate New York; and

WHEREAS, this expansion of the STAR program does not have as great an impact to Erie, Monroe, Westchester, Onondaga and Wayne Counties as the rest of the counties in New York State because they share sales tax revenue with school districts; and

WHEREAS, taxpayers in these counties will miss out on a large part of this windfall from New York State unless changes are made for calculating STAR benefits to include sales tax revenues shared with school districts; and

WHEREAS, if an expansion of the STAR program was included in the New York State budget for fiscal year 2008-2009, it would provide much needed relief to the taxpayers of the aforementioned counties immediately.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby in support of Governor Spitzer's proposed expansion of the STAR program with an additional benefit for seniors; and be it further

RESOLVED, that this honorable body does hereby request the New York State Legislature to amend the governor's proposed budget by changing the formula for determining STAR benefits to include sales tax revenues shared with school districts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature, County Executive Christopher Collins, and the County Executives and Board Chairs of Monroe, Westchester, Onondaga, and Wayne Counties.

(5-0)

5. COMM. 3E-9 (2008)

COMPTROLLER

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2008; and

WHEREAS, Assembly Bill A.9858 and Senate Bill S.6740, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2009.

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.9858, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2008; and

WHEREAS, Senate Bill S.6740 and Assembly Bill A.9858, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2009.

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.6740, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

(5-0)

6. COMM. 3E-14 (2008)

COUNTY EXECUTIVE

WHEREAS, Efficiency Grant funds have been requested to create a Grants Management Office within Erie County Government; and

WHEREAS, these funds will allow for the creation of two (2) Grants Procurement Specialist Job Group 11 and (1) Accountant JG 9; and

WHEREAS, the Grants Management Office will be tasked with identifying and securing funds and overseeing county-wide grant reconciliation to ensure maximum reimbursement with minimal county share.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to create two (2) Grants Procurement Specialist JG 11 and (1) Accountant JG 9 pending the approval of efficiency grant funds; and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funds, not to exceed \$ 180,000., in 2008 from the Fiscal Stability Authority into the appropriate efficiency grant account; and be it further

RESOLVED; that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Personnel Department ; the Division of Budget and Management; and the Office of the Comptroller.

(5-0)

7. INTRO 4-6 (2008)

KONST

WHEREAS, airports play a critical role in New York State's economy, job growth and transportation infrastructure; and

WHEREAS, airports provide essential air service, general aviation functions and play a critical role in homeland security for all of New York's local and regional communities and for the nation; and

WHEREAS, state funding directed to airport enhancement and expansion is minimal compared to what is needed and falls woefully short of what should be available for airport development to create high-level employment opportunities especially in the economically-challenged regions of the State; and

WHEREAS, many neighboring and nearby states provide sales tax relief for the purchase of general aviation aircraft, thereby putting New York State at a significant competitive disadvantage, which consequently discourages businesses from buying and basing aircraft within the State; and

WHEREAS, this competitive disadvantage is particularly troublesome given the current emergence of the very light jet (VLJ) market which is expected to significantly impact business aviation demand within the next few years; and

WHEREAS, despite this counterproductive tax policy, the Executive Budget proposal compounds this competitive disadvantage New York State has with neighboring states by imposing new tax penalties on certain business and corporate aircraft owners that seek to base these aircraft in New York; and

WHEREAS, if enacted, this Executive Budget Proposal will have a chilling effect on airports, businesses and jobs as aircraft owners will relocate their aircraft in neighboring states, taking with them their pilots, crew, mechanics and other aviation-related employment, and possibly move their corporate operations as well.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature together with the New York Aviation Management Association (NYAMA), urges Governor Eliot Spitzer and the members of the State Legislature to commit additional state resources to provide reoccurring and reliable funding for the maintenance, operation and development of airports, allowing for the promotion of a safe and efficient air transportation system throughout New York State; and be it further

RESOLVED, that the Erie County Legislature urges state leaders to enact sales tax relief for the purchase of general aviation aircraft in order to foster competitive equality with neighboring states and to equip New York State aviation businesses to grow, create jobs, support communities and thrive; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Spitzer, the Western New York State Delegation and the ECIDA.

(5-0)

KATHY KONST

CHAIR

MS. KONST moved to approve item Number 5. MR. RATH seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. NOES: KOZUB. (AYES: 14, NOES: 1)

CARRIED.

LEGISLATOR RESOLUTIONS

Item 25 - CHAIR MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 5-1 from LOUGHRAN Re: The Future of Studio Arena Theatre.

Item 26 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: Opposing Governor Spitzer's
Proposed \$15 Increase in the
Surcharge on Auto Insurance
Policies
(INTRO 5-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR WROBLEWSKI**

WHEREAS, on February 13, 2008, the New York State Senate and Assembly held a joint public transportation hearing on the 2008-09 proposed Executive Budget; and

WHEREAS, at this hearing, members of both the Senate and Assembly questioned the justification for Governor Spitzer's proposed additional \$15 surcharge to be added to the current \$5 surcharge, for a total surcharge of \$20, on every auto insurance policy issued in New York State; and

WHEREAS, the existing \$5 surcharge is directed to a fund that combats auto insurance fraud; and

WHEREAS, the proposed surcharge increase to \$20 would be directed as follows: \$10 to the fraud prevention fund and \$10 to the Dedicated Highway and Bridge Trust Fund for maintenance and repair of the state's transportation infrastructure; and

WHEREAS, regardless of the merits of directing additional state funds for capital costs associated with the state's transportation infrastructure, state legislators have questioned the historical diversion of funds by the executive branch from the Dedicated Highway and Bridge Trust Fund for non-capital, operational purposes, thereby causing this capital fund to be inadequately funded; and

WHEREAS, Governor Spitzer contends that his 2008-09 proposed Executive Budget is free of new taxes, yet this surcharge on auto insurance policies is just one of many fee increases proposed in his budget; and

WHEREAS, fees represent a form of back-door taxation, and in this instance, the imposition of an additional surcharge is made even more egregious by the historical diversion of bridge and highway capital funds to other purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record opposing Governor Spitzer's proposed \$15 increase in the existing \$5 surcharge on auto insurance policies in New York State, for a total surcharge of \$20; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senator Owen Johnson, Chair of the Senate Finance Committee, and Assemblyman Herman Farrell, Chair of the Assembly Ways and Means Committee, and the Western New York Delegation to the State Legislature.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 27 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 5-3 from MILLER-WILLIAMS Re: Urging the Governor to Sign Into Law A.9480/S.6499 to Add the Display of a Noose to the Crime of Aggravated Harassment in the First Degree

Item 28 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 5-4 from WHYTE & GRANT Re: County Clinics and Hepatitis A

Item 29 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Opposing Elimination of
Approximately \$10 Million from
the Consolidated Local Street
and Highway Improvement
Program (CHIPS)
(INTRO 5-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, RANZENHOFER, KONST & RATH**

WHEREAS, the CHIPS program provides funding for municipalities to use to repair and maintain roadways; and

WHEREAS, with significant increases in the cost of petroleum and petroleum based products, the cost of roadway improvements has been increasing; and

WHEREAS, Erie County has over 1200 miles of county owned roadways, many of which are in desperate need of repairs; and

WHEREAS, Governor Eliot Spitzer has proposed eliminating approximately \$10 million statewide from the CHIPS program in the 2008-2009 New York State budget; and

WHEREAS, the cut would result in a loss of \$164,311 available to the Erie County; and

WHEREAS, in addition, the cut would result in a loss of \$106,334 available to cities located in Erie County; and

WHEREAS, in addition, the cut would result in a loss of \$92,689 available to towns located in Erie County; and

WHEREAS, in addition, the cut would result in a loss of \$35,699 available to villages located in Erie County; and

WHEREAS, in total, this cut would result in a loss of available funding to Erie County municipalities of \$398,933.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is opposed to the elimination of approximately \$10 million from the New York State Consolidated Local Street and Highway Improvement Program from the 2008-2009 New York State budget; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature and County Executive Christopher Collins.
Fiscal Impact: Positive for Erie County.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MS. KONST seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. RATH seconded.

RESOLUTION NO. 73

RE: Opposing Increases to County Share of
Safety Net Assistance and Family
Assistance and Removal of the Local
District Hold Harmless Provision for
Two Parent Families
(INTRO 5-6)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR RATH

WHEREAS, currently, the local share of the gross costs for Family Assistance to Erie County is 25% and the New York State share is 25%; and

WHEREAS, currently, the local share of the gross costs for Safety Net Assistance to Erie County is 50% and the New York State share is 50%; and

WHEREAS, currently, the local district is held harmless for the cost of two parent families that were moved from the Temporary Assistance for Needy Families to the Safety Net; and

WHEREAS, in the proposed NYS Executive budget, Governor Eliot Spitzer has proposed changing the local share of the gross costs for Family Assistance to Erie County to 27% and the New York State share to 23%, costing Erie County an additional \$498,188 from April 1 – December 31, 2008; and

WHEREAS, in the proposed NYS Executive budget, Governor Eliot Spitzer has proposed changing the local share of the gross costs for Family Assistance to Erie County to 52% and the New

York State share to 48%, costing Erie County an additional \$530,502 from April 1 – December 31, 2008; and

WHEREAS, in the proposed NYS Executive budget, Governor Eliot Spitzer has proposed eliminating the local district hold harmless provision for the cost of two parent families that were moved from the Temporary Assistance for Needy Families to the Safety Net, costing Erie County an additional \$190,000 from April 1 – December 31, 2008; and

WHEREAS, these unfunded mandate changes will cost Erie County \$1,218,690, which is not accounted for in its 2008 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is opposed to any increases in local share of the gross costs for the Family Assistance and Safety Net Assistance programs, as well as the elimination of the local district hold harmless provision for the cost of two parent families that were moved from the Temporary Assistance for Needy Families to the Safety Net program; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature and County Executive Christopher Collins.

MS. WHYTE moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its entirety and insert the following:

WHEREAS, currently, the local share of the gross costs for Family Assistance to Erie County is 25% and the New York State share is 25%; and

WHEREAS, currently, the local share of the gross costs for Safety Net Assistance to Erie County is 50% and the New York State share is 50%; and

WHEREAS, currently, the local district is held harmless for the cost of two parent families that were moved from the Temporary Assistance for Needy Families to the Safety Net; and

WHEREAS, in the proposed NYS Executive budget, Governor Eliot Spitzer has proposed changing the local share of the gross costs for Family Assistance to Erie County to 27% and the New York State share to 23%; and

WHEREAS, in the proposed NYS Executive budget, Governor Eliot Spitzer has proposed changing the local share of the gross costs for Safety Net Assistance to Erie County to 52% and the New York State share to 48%; and

WHEREAS, as a result of these costs shifts, Erie County's share for these two programs will increase \$894,767 in 2008 and \$1,193,023 in 2009; and

WHEREAS, in the proposed NYS Executive budget, Governor Eliot Spitzer has proposed eliminating the local district hold harmless provision for the cost of two parent families that were moved from the Temporary Assistance for Needy Families to the Safety Net, costing Erie County an additional \$190,969 from April 1 – December 31, 2008 and \$254,625 in 2009; and

WHEREAS, these unfunded mandate changes will cost Erie County \$1,085,736, which is not accounted for in its 2008 budget. In addition, they will result in an additional \$1,447,648 in costs for 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is opposed to any increases in local share of the gross costs for the Family Assistance and Safety Net Assistance programs, as well as the elimination of the local district hold harmless provision for the cost of two parent families that were moved from the Temporary Assistance for Needy Families to the Safety Net program; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature and County Executive Christopher Collins.

MS. WHYTE moved to further amend the item by adding MR. MILLS, MR. RANZENHOFER, MS. KONST and MS. IANNELLO as Co-Sponsors. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 31 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 5-7 from IANNELLO Requesting Governor Eliot Spitzer and the New York State Legislature to Re-Examine the State Aid Formulas Regarding Aid Incentives for Municipalities (AIM) and Revenue Sharing.

Item 32 - CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 5-8 from KENNEDY Supporting NYS Legislation Relating to Text Messaging While Driving.

Item 33 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 5-9 from IANNELLO, MILLER-WILLIAMS & GRANT Resolution to Improve Transparency in Legislative Sessions.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: Supporting NYS Firefighters in
Opposition to State Legislation
Affecting Fire Districts
(INTRO 5-10)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WROBLEWSKI, MARINELLI, MILLS, KOZUB, KENNEDY,
MILLER-WILLIAMS, KONST, GRANT, MAZUR, IANNELLO,
REYNOLDS, LOUGHRAN & RATH**

WHEREAS, there are approximately 100,000 volunteer firefighters in New York State; and

WHEREAS, volunteers provide fire protection to more than 80% of the geographic area of New York State, and this protection is vital to the life, limb and property of New York State taxpayers and is also important to holding the line on real property taxes; and

WHEREAS, the volunteer fire service in New York State saves taxpayers approximately \$7 billion per year; and

WHEREAS, provisions in Part U of A.9806-A/S.6806-A would amend the General Municipal Law by adding a new Article 17-A that would alter the process and requirements for the consolidation and/or dissolution of fire districts and fire protection districts; and

WHEREAS, at the present time, fire district consolidation issues are addressed by town boards when a large number of property taxpayers in the district (50%) file a petition; and

WHEREAS, the ability to file the petition rightly rests with the real property taxpayers as they are the individuals who pay the taxes needed to operate fire districts and fire protection units; and

WHEREAS, the proposed new Article 17-A would drastically reduce the number of registered voters required to file a petition, from 50% to 10%; and

WHEREAS, greatly reducing the number of signatures required to file the petition to consolidate or dissolve a fire district would detrimentally impact the entire community; and

WHEREAS, the current fire district consolidation and dissolution system works, with over 800 fire districts throughout the State that, in total, consume less than 1% of the State's tax revenues; and

WHEREAS, the Firemen's Association of the State of New York strongly opposes A.9806-A/S.6806-A for the aforementioned reasons.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record opposing A.9806-A/S.6806-A, a measure that would alter the process and requirements for the consolidation and/or dissolution of fire districts and fire protection districts; and be it further

RESOLVED, that the Erie County Legislature joins the Firemen's Association of the State of New York in its advocacy efforts on behalf of the volunteer fire service and the taxpayers protected by volunteer fire companies across New York State; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver; Senate Majority Leader Joseph Bruno, the Western New York Delegation to the State Legislature and the Firemen's Association of the State of New York.

Item 35 - CHAIR MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 5-11 from RANZENHOFER, MILLS, RATH, KONST, KOZUB, MILLER-WILLIAMS & IANNELLO. Funds Allocated Through the Cultural Resource Advisory Board, Including Studio Arena Theater.

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

RE: Urging Governor Spitzer to Sign
Legislation to Preserve and Protect
the Great Lakes
(INTRO 5-12)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, MILLS, KOZUB, KENNEDY,
MILLER-WILLIAMS, RANZENHOFER, KONST, GRANT, MAZUR,
WROBLEWSKI, REYNOLDS, LOUGHRAN & RATH**

WHEREAS, the New York State Senate and Assembly have approved S.4324-B/ A.7266-B, a measure that enacts the Great Lakes – St. Lawrence River Basin Water Resources Compact; and

WHEREAS, the purpose of the bill is to promote improved water management of the Great-Lakes – St. Lawrence River Basin; and

WHEREAS, the “party states” to the Compact include Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Wisconsin and Pennsylvania; and

WHEREAS, the aforementioned states are called upon to provide leadership to strengthen the scientific basis for sound water management decision-making under the Compact; and

WHEREAS, the Compact recites restrictions and conditions related to Basin water withdrawals, diversions, transfers and uses; and

WHEREAS, the Compact prohibits new and increased diversions of water from the Basin, with limited, conditional exceptions for public water supplies in communities near the Basin and for intra-basin diversions; and

WHEREAS, the Compact members also include the Canadian provinces that border this important freshwater resource; and

WHEREAS, upon consent of the United States Congress, the compact becomes binding on the member states; and

WHEREAS, pressures on the State’s water resources have resulted from both population growth and increased commercial needs, thereby providing a strong impetus to conserve and protect the State’s water resources; and

WHEREAS, the Great Lakes and their bays and tributaries contribute 20% of the world’s supply of freshwater and 95% of the North American supply of surface freshwater; and

WHEREAS, as the nation’s population increases and freshwater supplies in other regions are consumed, there will be added pressure to utilize Great Lakes water outside of the Great Lakes Basin; and

WHEREAS, the Great Lakes represent an invaluable natural resource for the people living within and along the Basin boundaries; and

WHEREAS, the total volume of water in the Great Lakes may appear immense, this valuable resource must be prudently managed so that its economic, ecological and social benefits can be sustained for future generations; and

WHEREAS, the legislation to enact the Great Lakes – St. Lawrence Basin Water Resources Compact has been delivered to the Executive Chamber and is on the Governor’s desk.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of S.4324-B/A.7266-B, the measure that enacts the Great Lakes – St. Lawrence River Basin Water Resources Compact; and be it further

RESOLVED, that the Erie County Legislature requests that Governor Eliot Spitzer sign this measure into law; and be it further

RESOLVED, that certified copies of this resolution will be conveyed to Governor Eliot Spitzer, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the Commission of the New York State Department of Environmental Conservation and the Western New York Delegation to the State Legislature.

MS. WHYTE moved to amend the item by adding MS. WHYTE and MS. IANNELLO as Co-Sponsors. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 37 - MR. KENNEDY moved to reconsider COMM. 3E-9 (2008). MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: State Authorization for the Private Sale
of Bonds by Negotiated Agreement
(COMM. 3E-9)

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2008; and

WHEREAS, Assembly Bill A.9858 and Senate Bill S.6740, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2009.

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.9858, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2008; and

WHEREAS, Senate Bill S.6740 and Assembly Bill A.9858, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2009.

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.6740, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

MR. KENNEDY moved to approve the item. MS. WHYTE seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. NOES: None. (AYES: 15, NOES: 0)

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Alternatives to Incarceration: Strategies
For Success Report
(INTRO 5-13)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KONST, MARINELLI, MILLS, KOZUB, MILLER-WILLIAMS,
RANZENHOFER, GRANT, WROBLEWSKI, IANNELLO, LOUGHRAN & RATH**

WHEREAS, The Erie County Holding Center and the Erie County Correctional Facility have faced an issue of inmate overcrowding since the 1990s; and

WHEREAS, during the past six years the inmate population has grown steadily at the Holding Center and the Correctional Facility; and

WHEREAS, since 2000, the jail population at the Erie County Holding Center and the Correctional Facility has increased by 18 percent; and

WHEREAS, in 2005, the Erie County Executive created the Holding Center Task Force whose mission was to address the severe overcrowding issue in the Holding Center and the Correctional Facility; and

WHEREAS, the University at Buffalo Regional Institute received an efficiency grant from Erie County Fiscal Stability Authority to conduct a system-wide analysis of the Erie County criminal justice system through *Alternatives to Incarceration: Strategies for Success*; and

WHEREAS, the University at Buffalo Regional Institute study found several factors that contributed to overcrowding, including the lack of alternatives to incarceration programs, a shortage of mental health and substance abuse diversion services and facilities and data fragmentation throughout the county's criminal justice system; and

WHEREAS, this study noted that because there was a lack of coordination among the stakeholders in the criminal justice system it has created obstacles resulting in certain inmate populations spending more time in jail than necessary; and

WHEREAS, the study also found that 29 percent of the Holding Center's inmate population has mental health as well as substance abuse problems; and

WHEREAS, in a number of cases, it was felt that many of these inmates do not belong in the Holding Center but, currently there is a lack of programs and services for this population; and

WHEREAS, pursuant to Executive Law 259-i(3) (a)(i), parole violators must be housed in local facilities and they are not eligible for bail, the study found that Erie County houses approximately 392 inmates annually who spend an average of 21.5 days in the Holding Center; and

WHEREAS, it is also believed that Erie County lacks sentencing protocols and state-of-the-art electronic monitoring equipment for post-conviction electronic monitoring; and

WHEREAS, the report outlined several short-term actions that the County should take to address and reduce the overcrowding issue in its jails; including

- Erie County Department of Probation needs to complete Pre-Sentence Investigations within 30 days so that the courts may sentence offenders within 7 days thereafter; and
- Erie County Department of Probation needs to implement Electronic Monitoring as an alternative to incarceration for certain post-conviction inmates; and

WHEREAS, it is also recommended that Erie County establish a Criminal Justice System Coordinating Council, which would have the influence to address issues across the entire criminal justice system; and

WHEREAS, the Erie County Legislature and Erie County Fiscal Stability Authority have taken several steps to address the overcrowding issues at the Holding Center and the Correctional Facility; and

WHEREAS, through Budget Resolution Amendment G, the Erie County Legislature created a \$1.7 million contingency account in the 2008 Budget to address the overcrowding problems in the Holding Center, but also prohibited the use of these funds until a comprehensive plan has been submitted by the Sheriff to the Legislature and until such time as the plan has been approved by the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does request that the Commissioner of Probation or her designee attend the next Public Safety Committee meeting to update the Erie County Legislature on the progress that has been made to implement the actions recommended in said report; and be it further

RESOLVED, that the Erie County Legislature does hereby request that the Erie County Sheriff, Timothy Howard, or his designee attend the next Public Safety Committee meeting to update the Legislature on what actions have been taken to strengthen the reporting capabilities of the Jail Management System so that decisions regarding the inmate population are driven by up-to-date data; and be it further

RESOLVED, that a member of the Task Force and the lead individual from the University at Buffalo Regional Institute who prepared the *Alternatives To Incarceration: Strategies for Success*

report be invited to attend the next Public Safety Committee meeting to give an overview of the differences among the recommended Criminal Justice Council, the Diversion Program for Co-occurring Disorders and the Post-Conviction Electronic Monitoring/GPS Criteria Initiative; and be it further

RESOLVED, that certified copies of this Resolution be sent to the County Executive Chris Collins, the Commissioner of Probation, the Erie County Sheriff, the Holding Center Task Force and Kathryn B. Foster, Director of the University at Buffalo Regional Institute.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 39 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of INTRO 4-7 (2008). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

RE: Establishment of Distressed Real
Property Task Force
(INTRO 4-7)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR REYNOLDS

WHEREAS, one of the major economic and fiscal concerns in Erie County is “Distressed Real Property” and the unpaid taxes on these properties, and

WHEREAS, Erie County currently has over 10,000 properties that fall into this category and is creating economic hardships on towns, villages and cities, and

WHEREAS, the County of Erie averages over 6 million dollars a year in unpaid taxes for Erie County, school districts, villages and towns, and

WHEREAS, Erie County pays all unpaid taxes for school districts, villages and towns that the property owners fail to pay, and

WHEREAS, many of these properties, which include many business locations, go unpaid for years and the amount of “unpaid property tax” continues to increase each year on these properties, and

WHEREAS, many of these properties have unpaid tax bills that surpass the value of the property in question, and

WHEREAS, many of these unpaid tax properties have code violations and are not being maintained properly, thus the value of the property continues to fall, placing an even greater hardship on the local community, and

WHEREAS, The Association of Erie County Governments, which is a County organization comprising of the elected leaders of the Erie county's cities, towns and villages, and

WHEREAS, in the spring of 2007 the Association of Erie County Governments commissioned a "Sub Committee" to study "Distressed Real Property" issues within our County, and

WHEREAS, the sub-committee met numerous times throughout the year of 2007 at Legislator Robert B. Reynolds' district office as well other locations within our community, and

WHEREAS, the Village of Angola Mayor, Hub Frawley, was the representative selected from Association of Erie County Governments to head this sub-committee, and

WHEREAS, the sub-committee also included a representative from Congressman Higgins' office, and

WHEREAS, the sub-committee also includes the Director of Real Property Tax Services, who serves a President of the Erie Tax Certificate Corporation (ETCC), and

WHEREAS, the sub-committee also included Town of Cheektowaga Supervisor who served as representative for the "first-ring suburbs", and

WHEREAS, the sub-committee also included the Director of Economic Development from the Town of Evans as representative of rural towns, and

WHEREAS, the sub-committee also interviewed many special guests, along with New York State and Federal officials, and

WHEREAS, this sub-committee continued to grow in membership in addition to attracting other interested parties, and

WHEREAS, this sub-committee questioned how local governments will be able to market and maintain all these properties with unpaid taxes, and

WHEREAS, this sub-committee questioned how and why it is important to shorten the foreclosure process, and

WHEREAS, this sub-committee inquired into whether there is federal and state money available that could be used to aid in resolving this item, and

WHEREAS, this sub-committee also questioned the assessment and building code processes in our Towns, villages and County as to how they impact the problem and are how they working within each political subdivision in our County, and

WHEREAS, this sub-committee solicited information about "Land Banking" and the possibility of establishing a "Distressed Property Fund" to assist with this issue, and

WHEREAS, this sub-committee continued to investigate the current procedure of getting property with unpaid taxes back on the tax rolls, and

WHEREAS, this sub-committee participated in the return of several properties back to the tax rolls, this committee also recognizes that it must become an “official and documented” committee of this great county to have greater impact on this item, and

WHEREAS, this sub-committee recognized that the County must make good on unpaid taxes for school districts, towns and villages and also recognizes the financial strain that this creates in our County budget, and

WHEREAS, 2005 and prior, all unpaid tax certificates are owned by Erie Tax Certificate Corporation whereas all unpaid 2006 and 2007 are owned by Erie County, and

WHEREAS, the Erie Tax Certificate Corporation, Erie County Executive, Erie County Legislature and Erie County Fiscal Authority, have either issued and/or approved a “Request For Proposals” for the bulk sale/assignment of Erie County Tax Sale Certificates, and

WHEREAS, the sale/assignment of Erie Tax Sale Certificates has happened several times in the past, and

WHEREAS, each “RFP” that has been issued for these unpaid tax bills from the Erie County Tax Certificate Corporation has concluded that the winning bid of these “RFP(s)” is a company called “XSPAND”, and

WHEREAS, “XSPAND,” continues to attempt to collect these unpaid taxes from the current owners of the property, and

WHEREAS, the Erie Tax Certificate Corporation contracted with XSPAND in 2003 to service tax liens in Erie I-IV (2002 – 2005), and

WHEREAS, the Erie County Fiscal Stability Authority approved the bulk sale of 2003-2005 Erie county tax liens with the Resolution Number 07-36, and

WHEREAS, the Erie Tax Certificate Corporation conducts the Sale of Tax Foreclosed Properties only after XSPAND has failed to collect the unpaid taxes, and

WHEREAS, the most recent Tax Lien sale to XSPAND was approved by the Erie County Legislature and the Erie County Fiscal Stability Authority however, it has not been initiated by County Executive Chris Collins.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature establish a “Distressed Real Property” Task Force, and be it further

RESOLVED, that this “Distressed Real Property” Task Force will report to the Finance and Management Committee of the Erie County Legislature, and be it further

RESOLVED, that this “Distressed Real Property” Task Force be able to add members to the approved core team as needed with the approval of the Finance and Management Committee, and be it further

RESOLVED, that this “Distressed Real Property” Task Force will meet regularly, and be it further

RESOLVED, that this “Distressed Real Property” Task Force will follow the Erie County Charter, Section 202, Powers and duties ...

The county legislature shall have, but not by way of limitation, the following powers and duties:

To make such studies and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence, deemed necessary or material to the study or inquiry., and be it further

RESOLVED, that this “Distressed Real Property” core task force team consist of the following members:

- Congressman Higgins office; Bonnie Lockwood
- NYS Governor Office; Laura Monte
- County Executive Appointment (1)
- Legislature Chairperson Appointment (1)
- Legislature Minority Appointment (1)
- City of Buffalo Appointment (1)
- Erie County Legal Office; James Tuppen
- President of Erie County Real Property; Joseph L. Maciejewski
- Erie Tax Certificate Corporation; Joseph L. Maciejewski
- Association of Erie County Governments; Hub Frawley
- Association of Erie County Governments; Mary Holtz
- Director of Community Development, Town of Evans; Lori Szewczyk
- The Local Initiatives Support Corporation (LISC) program officer; Anthony Armstrong, and be it further

RESOLVED, that certified copies of this resolution be sent to the WNY Congressional and Senate Delegation, Governor of New York State, WNY State Assembly and Senate Delegation, Erie County Executive, Erie County Tax Certificate Corporation, Mayor of the City of Buffalo and President of the Buffalo Common Council, President of Association of Erie County Governments, Judge Henry Nowak, Buffalo City Court.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded

CARRIED UNANIMOUSLY.

Delete the sixth (6th) Resolve Clause in its entirety and insert the following:

RESOLVED, that the Distressed Real Property core Task Force shall consist of the following individuals or their representatives:

- | | |
|---|-----------------------|
| 1) Office of Congressman Brian Higgins | Bonnie Lockwood |
| 2) Office of the Governor | Laura Monte |
| 3) Office of County Executive | |
| 4) Office of County Comptroller | |
| 5) Chair of Erie County Legislature | |
| 6) Majority Leader/Erie County Legislature | |
| 7) Minority Leader/Erie County Legislature | |
| 8) Mayor of City of Buffalo (2) | |
| 9) Representative Buffalo Common Council | |
| 10) Office of County Attorney | James Tuppen, Esquire |
| 11) President of Erie County Real Property | Joseph L. Maciejewski |
| 12) Erie Tax Certificate Corporation | |
| 13) Association of Erie County Governments | Hub Frawley |
| 14) Association of Erie County Governments | Mary Holtz |
| 15) Town of Evans-Dir. of Community Dev. | Lori Szewczyk |
| 16) Local Initiatives Support Corp. Program Officer | Anthony Armstrong, |

and be it further

MS. WHYTE moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of INTRO 3-18 (2008). MS. MILLER-WILLIAMS seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH and MS. IANNELLO voted in the negative.

CARRIED. (11-4)

RESOLUTION NO. 79

RE: Legislative Imposition of Terms
of Contract
(INTRO 3-18)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, WHYTE, GRANT, LOUGHRAN
KENNEDY & REYNOLDS**

MS. WHYTE moved to amend the item. MS. GRANT seconded

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: GRANT, IANNELLO, KENNEDY, KOZUB, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. NOES: MILLS, RANZENHOFER, RATH, KONST and LOUGHRAN. (AYES: 10, NOES: 5)

CARRIED.

Delete the resolution in its entirety and insert the following::

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, MARINELLI, WHYTE, KENNEDY,
MILLER-WILLIAMS, GRANT, MAZUR, WROBLEWSKI & REYNOLDS**

WHEREAS, the previous administration and the members of AFSCME Local 1095 were unable to negotiate a contract for the year 2005 and it was finally determined that their negotiations were at an impasse; and

WHEREAS, an independent Fact Finder made recommendations for resolving the impasse on September 5, 2006; and

WHEREAS, the recommendations of the Fact Finder were rejected by both parties and as required by law the report was submitted to the Erie County Legislature on November 14, 2006; and

WHEREAS, the Erie County Legislature is required under applicable state law to hold a public hearing regarding the report of the Fact Finder and that public hearing was held on April 5, 2007 at Session No. 7 of the Erie County Legislature; and

WHEREAS, the applicable state law requires the Erie County Legislature to “take such action it deems to be in the public interest, including in the interest of the public employees involved;” and

WHEREAS, AFSCME Local 1095 represents employees employed directly with Erie County, as well as employees employed at Erie County Medical Center Corporation, the Erie County Home, Erie County Community College and the Buffalo and Erie County Library System; and

WHEREAS, the Erie County Medical Center Corporation has recently announced that the public benefit corporation has achieved a nine (9) million dollar surplus for the year 2007; and

WHEREAS, the Erie County Comptroller has recently reported that the county’s sales tax revenues exceeded projections for 2007 thus creating an additional surplus of twelve (12) million dollars for 2007; and

WHEREAS, the Erie County Fiscal Stability Authority has available Erie County taxpayer monies in the form of efficiency grants which are available for disposition to help fund initiatives which will result in cost savings to Erie County; and

WHEREAS, the County Executive and the leadership of AFSCME Local 1095 have both expressed a desire to return to the collective bargaining table so that the parties might begin contract discussions which might result in job security for the membership of Local 1095 as well as cost savings for the taxpayers of Erie County; and

WHEREAS, the Erie County Legislature is required under applicable state law to resolve this impasse by establishing contract terms from January 1, 2005 to December 31, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature determines that it is appropriate to give a one-time payment in the amount of \$600.00 to all current active members of AFSCME Local 1095 bargaining unit who were employed by the County, the Erie County Medical Center Corporation, the Erie County Home, Erie Community College and the Buffalo and Erie County Library System on December 31, 2005; and be it further

RESOLVED, each entity employing members of the affected bargaining unit shall be responsible for the payment of the award to the person or persons eligible to receive such payment; and be it further

RESOLVED, that the county share funds for the payments to be provided to the members of Local 1095 who were employed by Erie County shall be taken from the fund balance in accordance with the provisions of the Erie County Charter (Section 2605 {d}); and be it further

RESOLVED, that the Clerk of the Erie County Legislature send certified copies of this resolution to the County Executive, the Comptroller of Erie County, the President of Erie County College, the Chief Executive Officer of the Erie County Medical Center Corporation, the Director of Buffalo and Erie County Public Library System, the Budget Director, the Commissioner of Personnel and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. KONST and MR. LOUGHRAN voted in the negative.

CARRIED. (10-5)

Item 41 – MR. LOUGHRAN moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of INTRO 4-4 (2008). MS. GRANT seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: GRANT, IANNELLO, KENNEDY, KONST, LOUGHRAN, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER, RATH, KOZUB, MARINELLI, MAZUR, MILLER-WILLIAMS and WROBLEWSKI. (AYES: 7, NOES: 8)

FAILED.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 5E-1) Letter Concerning AFSCME Contract Settlement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 43 – (COMM. 5E-2) Appointment to Buffalo & Erie County Public Library Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Appointments to Erie County Sewer
District No. 1 Board of Managers
(COMM. 5E-3)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 1 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 1 Board of Managers are hereby confirmed:

Erie County Sewer District No. 1

Term Expires

Hon. Mary F. Holtz
Supervisor, Town of Cheektowaga
3301 Broadway
Cheektowaga, New York 14227

12/31/09

William Pugh, P.E.
Town Engineer, Town of Cheektowaga
275 Alexander Avenue
Cheektowaga, New York 14211

12/31/09

Hon. Wallace C. Piotrowski
Supervisor, Town of West Seneca
1250 Union Road
West Seneca, New York 14224

12/31/09

George D. Montz, P.E.
Town Engineer, Town of West Seneca
1250 Union Road
West Seneca, New York 14224

12/31/09

Mr. Matt Salah, P.E.
Sr. Coordinator Construction Projects
Department of Environment & Planning
95 Franklin Street, Room 1034
Buffalo, New York 14202

12/31/09

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Appointments to Erie County Sewer
District No. 2 Board of Managers
(COMM. 5E-4)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 2 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 2 Board of Managers are hereby confirmed:

Erie County Sewer District No. 2

Term Expires

Ms. Anna M. Knack
Administrative Assistant
Town of Eden
2795 E. Church Street
Eden, NY 14057

12/31/09

Mr. Gifford M. Swyers
50 Terrylynn Drive
Angola, New York 14006

12/31/09

Mr. John H. Crosta
1430 North Creek Road
Lakeview, NY 14085

12/31/09

Ms. Dolores Rinaldi
2011 Brant Street
North Collins, NY 14111-0459

12/31/09

Hon. Francis Pordum
Supervisor, Town of Evans
8787 Erie Road
Angola, New York 14006

12/31/09

Hon. Howard Frawley
Mayor, Village of Angola
41 Commercial Street
Angola, New York 14006

12/31/09

James Carr, P.E.
Assistant Deputy Commissioner
Department of Environment & Planning
95 Franklin Street, Room 1034
Buffalo, New York 14202

12/31/09

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 46 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MR. MILLS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 82

RE: Appointments to Erie County Sewer
District No. 3 Board of Managers
(COMM. 5E-5)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 3 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 3 Board of Managers are hereby confirmed:

Erie County Sewer District No. 3

Term Expires

Mr. James F. Connolly
Town of Hamburg
Superintendent of Highways

12/31/09

2720 Lakeview Road
Lakeview, New York 14085

Hon. Michael Kasprzyk
Supervisor, Town of Holland
47 Pearl Street
Holland, New York 14080

12/31/09

Hon. Glenn R. Nellis
Supervisor, Town of Eden
2795 East Church Street
Eden, New York 14057

12/31/09

Mr. Damian Wiktor
7206 Tricia Lane
Boston, New York 14025

12/31/09

Mr. John Mills
80 Highland Avenue
Orchard Park, New York 14127

12/31/09

Hon. David R. Kaczor
Councilman, Town of Orchard Park
23 Silent Meadow
Orchard Park, New York 14127

12/31/09

Erie County Sewer District No. 3

Term Expires

Mr. John Chilcott
5547 Juno Drive
Lakeview, New York 14085

12/31/09

Mr. Peter Godios
4682 Chapman Parkway
Hamburg, New York 14075

12/31/09

Hon. John B. Wilson
Mayor, Village of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

12/31/09

David Millar, P.E.
Sanitary Engineer
Department of Environment and Planning
95 Franklin Street – Room 134
Buffalo, New York 14202

12/31/09

Charles Alessi

12/31/09

204 Pleasant Avenue
Hamburg, NY 14075

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Appointments to Erie County Sewer
District No. 4 Board of Managers
(COMM. 5E-6)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 4 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 4 Board of Managers are hereby confirmed:

Erie County Sewer District No. 4

Term Expires

Hon. Robert H. Giza
Supervisor, Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

12/31/09

Mr. Robert Labenski
Greenman-Pederson, Inc.
4950 Genesee Street, Suite 165
Buffalo, New York 14225

12/31/09

Mr. Joseph Keefe
Trustee, Village of Depew
85 Manitou Street
Depew, New York 14043

12/31/09

Thomas M. Batt, P.E.
Sr. Sanitary Engineer
Department of Environment & Planning
95 Franklin Street, Room 1034
Buffalo, New York 14202

12/31/09

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Appointments to Erie County Sewer
District No. 5 Board of Managers
(COMM. 5E-7)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 5 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 5 Board of Managers are hereby confirmed:

Erie County Sewer District No. 5

Term Expires

Hon. Satish B. Mohan
Supervisor, Town of Amherst
5583 Main Street
Williamsville, New York 14221

12/31/09

Thomas Ketchum P.E.
Town Engineer
Town of Amherst
1100 N. Forest Road
Williamsville, New York 14221

12/31/09

Mr. James Callahan
Town of Clarence
Director of Community Development
One Town Place
Clarence, New York 14031

12/31/09

Mr. Albert Schultz
8293 Parliament Circle
East Amherst, NY 14051

12/31/09

Joseph Fiegl, P.E.
Coordinator of Sewer Construction Projects
Department of Environment and Planning

12/31/09

95 Franklin Street, Room 1034
Buffalo, New York 14202

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: Appointments to Erie County Sewer
District No. 6 Board of Managers
(COMM. 5E-8)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 6 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 6 Board of Managers are hereby confirmed:

| <u>Erie County Sewer District No. 6</u> | <u>Term Expires</u> |
|--|---------------------|
| Mr. Anthony Collareno 93 Cloverleaf Avenue Lackawanna, New York 14218 | 12/31/09 |
| Hon. Norman Polanski Mayor, City of Lackawanna 714 Ridge Road Lackawanna, New York 14218 | 12/31/09 |
| James A. Carr, P.E. Assistant Deputy Commissioner Department of Environment and Planning 95 Franklin Street, Room 1034 Buffalo, New York 14202 | 12/31/09 |

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Appointments to Erie County Sewer
District No. 8 Board of Managers
(COMM. 5E-9)

WHEREAS, The County Executive has made an appointment to the Erie County Sewer District No. 8 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 1607 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District No. 8 Board of Managers are hereby confirmed:

| <u>Erie County Sewer District No. 8</u> | <u>Term Expires</u> |
|---|---------------------|
| Hon. Dwight D. Krieger Supervisor, Town of Aurora 5 South Grove Street East Aurora, New York 14052 | 12/31/09 |
| Hon. David J. DiPietro Mayor, Village of East Aurora 41 Commercial Street East Aurora, New York 14052 | 12/31/09 |
| Mr. Matthew Hoeh Superintendent of Public Works Village of East Aurora 400 Pine Street Extension East Aurora, New York 14052 | 12/31/09 |
| Michael J. Quinn, P.E. Deputy Commissioner Department of Environment and Planning 95 Franklin Street, Room 1034 Buffalo, New York 14202 | 12/31/09 |

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Michael Quinn, Deputy Commissioner of Environment and Planning, and Gregory Dudek of the County Attorney's Office.

Item 51 – (COMM. 5E-10) Division of Information & Support Services Sharing of Inter-Municipal Agreement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 52 – (COMM. 5E-11) EC Sewer District No. 3 - Contract Nos. 32A, B, C & D - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – (COMM. 5E-12) Buffalo & Erie County Botanical Gardens - New Parking Lot

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 – (COMM. 5E-13) Compliance with Intro. 4-11 (2009) - Capital Projects List

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 55 – (COMM. 5E-14) Buffalo & Erie County Botanical Gardens - New Growing House

Item 56 – (COMM. 5E-15) Supplemental Agreement with NYSDOT - Como Park Blvd. Pavement Reconstruction - Town of Cheektowaga

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 87

RE: Public Works - Addition of Staff to
Provide for Security at Public Safety
Campus
(COMM. 5E-16)

WHEREAS, P.E.R.B. made a decision stating the County must utilize County employees to maintain the security at the Public Safety Campus once UASI funding has expired for this work; and

WHEREAS, the UASI funding for this will be exhausted and the building will have no security as of March 1, 2008; and

WHEREAS, the Public Safety Campus houses the 911 and 211 call centers, the crime labs, and the RCFL lab; and

WHEREAS, the Public Safety Campus also serves as an Emergency Operations Center (EOC) during disasters; and

WHEREAS, by adding the two positions of Building Guard (Job Grade 4) we can perform the work with County personnel, and secure the building; and

WHEREAS, failing to add the Building Guards would leave the building with no security as of March 1, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the creation of the following two positions:

(2) Building Guard (Job Grade 4) B-100 number 3662; and be it further

RESOLVED, that the following budget amendments, in the 2008 general fund, are hereby authorized in order to implement this request,

| | |
|---|---------------|
| Countywide Accounts – Budget Fund Center 14010 | Decrease |
| Acct 598900 County Contingency | 58,050 |
| Department of Buildings and Grounds Fund Center 12220 | Increase |
| Acct 500000 Full Time Salaries | 42,070 |
| Acct 502000 Fringe Benefits | <u>15,980</u> |
| Total Increase | 58,050 |
| Net Change | - |

and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner and one copy each to the Commissioner of Personnel, the Director of Budget and Management, and the Office of the Comptroller.

Item 58 – (COMM. 5E-17) EC Sewer Construction Projects - Division of Water Quality Management - Annual Change Order Report

Item 59 – (COMM. 5E-18) EC Sewer District No. 1 - Engineering Services Agreement - Close Out

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 5E-19) Central Police Services - 2007-08 Aid to Crime Laboratories Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 61 – (COMM. 5E-20) EC Integrated Pest Management Project - USEPA - Food Quality Protection Act/Strategic Agri Initiative Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 62 – (COMM. 5E-21) Central Police Services - Authorization of Payments for Professional Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 63 – (COMM. 5E-22) Public Works - Buildings & Grounds - Change in Security Staffing and Addition of Deputy Commissioner - Buildings & Grounds

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 64 – (COMM. 5E-23) EC Sewer District No. 4 - Contract 39 - Award of Contract

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (COMM. 5E-24) Buffalo Niagara Convention Center - Elevator Modernization

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 66 – (COMM. 5E-25) EC Sewer District No. 2 - Engineering Agreement - Change Order No. 7

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 67 – (COMM. 5E-26) Sheriff's Office - Asset Forfeiture Funded Program SAFS

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR GRANT

Item 68 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MS. GRANT abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 88

RE: Lease Agreement for Legislative
Office Space
(COMM. 5E-27)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Richard C. Cummings, for Legislative office space for Betty Jean Grant, located at 790 E. Delavan Ave., Buffalo, New York 14215 for a monthly rate of \$650.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET, MANAGEMENT & FINANCE DIVISION

Item 69 – (COMM. 5D-1) Reply to Letter Concerning Budget Compliance with Erie County Charter

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 70 – (COMM. 5D-2) Agenda Items from Board of Trustees Meeting Held on 2/21/08

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 71 – (COMM. 5D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 72 – (COMM. 5D-4) Notice of Public Hearing: Local Law Intro. No. 1 - 2008

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 73 – (COMM. 5D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF PARKS, RECREATION & FORESTRY

Item 74 – (COMM. 5D-6) Letter Concerning INTRO 3-21 (2008) - Regarding Snowboarding in Erie County Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM PATRICIA CASTLE

Item 75 – (COMM. 5M-1) Letter Concerning Removal of 55 MPH Speed Limit for School Buses on NYS Thruway

Received and Filed.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 76 – (COMM. 5M-2) Agenda Items for Meeting Held on 2/22/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF NEWSTEAD

Item 77 – (COMM. 5M-3) Copy of Certified Resolution Concerning Assignment of Special Resource Officers in Schools

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE TOWN OF MARILLA

Item 78 – (COMM. 5M-4) Copy of Certified Resolution Concerning Office of Elected Assessors

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 79 – (COMM. 5M-5) NFTA Board Minutes

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMCC

Item 80 – (COMM. 5M-6) Letter Concerning Suspension of Participation in WNY Health System

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ECIDA

Item 81 – (COMM. 5M-7) Notice of 3/10/08 Board of Directors Meeting

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 82 – (COMM. 5M-8) Items from ECMCC Board of Managers Meeting Held on 2/28/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

Item 83 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Russell David Villarini and Bernard A. Komisarek.

Item 84 - Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Rosalind Inez Jacobs.

Item 85 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Ronald L. Witnauer, Gladys Weiss and Bonnie Flor.

Item 86 - Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Civil Rights Leader, Rev. Dr. James Edward Orange.

Item 87 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Charles A. Walleshauser; and United Auto Workers International Leader, Doug Frazier.

Item 88 - Legislator Loughran requested that when the Legislature adjourns, it do so in memory of John S. Robinson, Sr.

Item 89 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of Carol Salter Glover.

ADJOURNMENT

Item 90 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, March 20, 2008 at 2:00 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, March 20, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE